United Nations S/2009/99

Security Council

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19 February 2009
English
Original: Spanish and English

Letter dated 10 February 2009 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

I have the honour to write to you, in my capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement, with regard to the application submitted by the Prosecutor of the International Criminal Court against the President of the Sudan.

In view of the fact that the Court will soon rule on this request, and considering its relevance, I have the pleasure to attach herewith a copy of the position agreed on this issue by the Fifteenth Ministerial Conference of the Non-Aligned Movement, held in Tehran, Islamic Republic of Iran, from 27 to 30 July 2008 (see annex I).

Furthermore, in accordance with the requests made by the representatives of the African Union, the League of Arab States and the Organization of the Islamic Conference, I also attach the statements on the same matter issued by the aforementioned organizations, the members of which are also States members of the Non-Aligned Movement (see annexes II-IV).

I should be grateful if this letter and its annexes could be circulated as a document of the Security Council.

(*Signed*) Abelardo **Moreno Fernández**
Ambassador
Permanent Representative of Cuba
Chairman of the Coordinating Bureau of the Non-Aligned Movement

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Annexes to the letter dated 10 February 2009 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

Annex I

[Original: Spanish and English]

Relevant paragraphs of the final document of the Fifteenth Ministerial Conference of the Non-Aligned Movement

Tehran, 30 July 2008

204. The Ministers *reiterated* their commitment to the sovereignty, unity, independence and territorial integrity of the Sudan.

205. The Ministers *noted* with satisfaction the sustained efforts being made by the Government of the Sudan, the African Union, the League of Arab States and the United Nations to reactivate the political process leading to a lasting peace in Darfur. They *expressed* their conviction that no action should be taken that could jeopardize the delicate nature of the process under way in the Sudan. In that context, the Ministers *expressed* deep concern over the recent application by the Prosecutor of the International Criminal Court (ICC), against the Honourable President of the Sudan, and considered that this action could seriously undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur and the promotion of long-lasting peace and reconciliation in the Sudan and could be conducive to greater destabilization with far-reaching consequences for the country and the region. Therefore, they decided to support steps in the United Nations and elsewhere aimed at defusing this new and dangerous situation and preventing its recurrence.

Annex II

[Original: English]

Decision on the application by the International Criminal Court Prosecutor for the indictment of the President of the Republic of the Sudan

The Assembly:

1. *Expresses its deep concern* at the indictment made by the Prosecutor of the International Criminal Court (ICC) against the President of the Republic of the Sudan, H.E. Mr. Omar Hassan Ahmed El Bashir;

2. *Cautions* that, in view of the delicate nature of the peace processes under way in the Sudan, approval of this application would seriously undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur;

3. *Endorses* the Communiqué issued by the Peace and Security Council (PSC) of the African Union (AU) at its 142nd meeting, held on 21 July 2008, and *urges* the United Nations Security Council, in accordance with the provisions of article 16 of the Rome Statute of the ICC, and as requested by the PSC at its above-mentioned meeting, to defer the process initiated by the ICC;

4. *Requests* the Commission to implement this Decision by sending a high-level delegation from the African Union for necessary contacts with the United Nations Security Council;

5. *Further requests* the Commission to convene, as early as possible, a meeting of the African countries that are parties to the Rome Statute on the establishment of the International Criminal Court to exchange views on the actions of the ICC in Africa, in particular in the light of the processes initiated against African personalities, and to submit recommendations thereon taking into account all relevant elements;

6. *Reiterates* AU's unflinching commitment to combating impunity and promoting democracy, the rule of law and good governance throughout the entire Continent, in conformity with its Constitutive Act;

7. *Condemns* the gross violations of human rights in Darfur, and *urges* that the perpetrators be apprehended and brought to justice, and *supports* the decision by the PSC to establish a High-Level Panel of Eminent Personalities under the chairmanship of former President of the Republic of South Africa, H.E. Mr. Thabo Mbeki, to examine the situation in depth, and to submit recommendations on how best the issues of accountability and combating impunity, on the one hand, and reconciliation and healing, on the other, could be effectively and comprehensively addressed;

8. *Notes* the steps taken by the Republic of the Sudan to address human rights violations in Darfur, and *reiterates* the call by various AU organs for the Government of the Sudan to take immediate and concrete steps to investigate and bring the perpetrators to justice, and to take advantage of the availability of qualified lawyers to be seconded by the AU and the League of Arab States, and in this regard *calls upon* all parties to scrupulously respect the values and principles of human rights.

Annex III

[Original: English]

Statement issued by the Afro-Arab Ministerial Committee on Darfur

Doha, 14 January 2009

Upon the kind initiation of the State of Qatar, the Afro-Arab Ministerial Committee on the settlement of the Darfur crisis convened a meeting in Doha on 14 January 2009, chaired by H.E. Sheikh Hamad Bin Jassim Al-Thani, the Prime Minister and Minister for Foreign Affairs of the State of Qatar, and with the participation of H.E. Mr. Jean Ping, Head of the African Commission, and H.E. Mr. Ahmad Benhelli, Vice Secretary-General of the League of Arab States.

The meeting was also attended by their Excellencies the Foreign Ministers and Representatives of the People's Democratic Republic of Algeria, the Kingdom of Saudi Arabia, the Syrian Arab Republic, the Great Socialist People's Republic of Libya, the Arab Republic of Egypt, the Kingdom of Morocco, Eritrea, Burkina Faso, Chad, Tanzania, South Africa, Senegal, Congo Brazzaville and Nigeria, and by H.E. Ahmad Ben Abdallah Al Mahmoud, the Qatari State Minister for Foreign Affairs, H.E. Mr. Ramtane Lamamra, the African Union Peace and Security Commissioner, and H.E. Mr. Djibril Bassolé, the Joint AU/UN Mediator.

The participants discussed the report presented by the State of Qatar on the efforts and contacts of the Steering Team of the Afro-Arab Ministerial Committee and listened attentively to the interventions presented by the Head of the African Union Commission and the Deputy Secretary-General of the Arab League and the Joint AU/UN Mediator on the multiple efforts and procedures deployed since the Committee's first meeting in New York on 24 September 2008 with a view to accelerating the settlement of the Darfur crisis. The participants highly appreciated the efforts and actions of the Steering Team and praised especially the effective cooperation and coordination between the African Union and the Arab League to end the Darfur crisis.

Having reviewed the outcomes of the efforts and different positions regarding the settlement of the Darfur crisis as well as the current and emerging developments, the Committee stressed the following:

1. Expressing thanks and appreciation to the State of Qatar for its active role and the efforts deployed to make peace talks for Darfur successful.

2. Calling upon all the Sudanese parties to respond to the efforts deployed to hold peace talks as soon as possible and to shoulder their responsibility to enhance civil peace prospects in the Sudan as a whole and opening the way for reconstruction efforts.

3. Supporting the persistent efforts of Qatar and the Joint AU/UN Mediator to launch peace talks as soon as possible in the Qatari capital, Doha, and urging all parties to respond to these efforts.

4. Welcoming the Sudanese People's Initiative and the positive attitudes deployed by some armed movements and factions in Darfur in response to the exerted peace efforts.

5. Urging further coordination of regional and international efforts to encourage movements still hesitant to join peace efforts to respond positively to them with a view to upholding the interest of the country, its stability as well as creating a suitable atmosphere to alleviate the human crisis of the people of Darfur and putting an end to its different consequences.

6. Appreciating the positive and active role of the representatives and the components of the civil society in Darfur aiming at facilitating the holding of the peace talks and turning the page of violence and battling and helping to mend the social texture in Darfur, and emphasizing the great importance to push the Darfur-Darfur Dialogue.

7. Following up the efforts exerted by the Sudanese Government to settle the Darfur crisis and encouraging it to proceed in these efforts in accordance with its pledges and understandings with the Arab League, the African Union and the United Nations.

8. Emphasizing the conformity between efforts to achieve peace and achieve justice and the necessity of assigning absolute importance to achieving peace among the Sudanese parties concerned with the Darfur crisis.

9. Calling on the Security Council anew to enforce article 16 of the Rome Statute in order to postpone the procedures pertaining to all the cases referred to the International Criminal Court with a view to allowing more enhancement of the prospects of peace and justice and creating best conditions to launch peace talks and achieve a comprehensive settlement of the Darfur crisis as soon as possible.

10. Mandating a delegation from Qatar, the African Union and the Arab League to visit New York, to coordinate with the Arab and African members of the United Nations Security Council, with a view to mobilizing international and regional necessary support to uphold the objectives of the aforementioned committee and enhance peace prospects.

11. Welcoming the esteemed and experienced great leader of the Great Socialist People's Republic of Libya, Muammar Al-Qadhafi, and the Federal Republic of Nigeria, for holding peace talks between the Government of the Sudan and the armed movements in Darfur to resolve the Darfur crisis, and take advantage of these experiences in the next Doha talks.

12. Expressing its profound gratitude and deep thanks to His Highness Sheikh Hamad Ben Khalifa Al Thani, Emir of the State of Qatar, for his faithful efforts to achieve peace in Darfur, and his generous sponsoring to host the Afro-Arab Ministerial Committee in Doha.

Annex IV

[Original: English]

Press release

OIC Secretary General hails AU resolution on Sudan

The OIC Secretary General Prof. Ekmeleddin Ihsanoglu, has expressed OIC's support to the decision by the AU at its latest Summit in Addis Ababa to mobilize international support to postpone the ICC prosecution against the President of the Sudan.

The Secretary General noted that the AU decision is in line with the OIC position adopted by the Extraordinary Executive Ministerial Committee held in August 2008 in Jeddah which maintained that the ICC's move represents a dangerous precedent and an unnecessary diversion capable of complicating the situation in Darfur and warned against the grave ramifications that might arise of the ICC action.

Prof. Ihsanoglu on the other hand, called on both the Sudan Government and the rebel movements to end all hostilities and return to the negotiating table as the only viable way to achieve durable peace in Darfur region of the Sudan. He further urged the Justice and Equality Movement to withdraw from Muhajeria without any preconditions in order to avoid any escalation in the area.

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Identical letters dated 18 February 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I have the honour to transmit herewith the text of the Agreement of Goodwill and Confidence-Building for the Settlement of the Problem in Darfur, signed by the Government of National Unity of the Republic of Sudan and the Justice and Equality Movement of Sudan on 17 February 2009, in Doha, State of Qatar, under the auspices of the Government of the State of Qatar and the African Union-United Nations Joint Chief Mediator for Darfur, which was reached within the framework of the Afro-Arab initiative on peace in Darfur (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Salem M. **Al-Shafi**
Chargé d'affaires a.i.

09-24299 (E) 230209

Annex to the identical letters dated 18 February 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic, English and French]

In the name of God, the Most Compassionate, the most Merciful

Agreement of Goodwill and Confidence-Building for the Settlement of the Problem in Darfur

Under the kind auspices of the State of Qatar and the AU-UN Joint Chief Mediator for Darfur, a meeting was convened from 10 to 17 February 2009, in Doha, capital of the State of Qatar between a delegation from the Government of National Unity of the Republic of Sudan (GNU) and a delegation from the Justice and Equality Movement Sudan (JEM) to pursue a negotiated peaceful settlement for the Sudan conflict in Darfur.

The two Parties hereby:

Firstly: Highly appreciate the role of the State of Qatar as the Host Country and agree upon Doha as the venue for the talks between them;

Secondly: Appreciate the kind auspices by H.H. Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar and the mediation by the esteemed Government of the State of Qatar and the AU-UN Joint Chief Mediator, Mr. Djibril Bassolé;

Thirdly: Recognize the constructive support to the peace process provided by neighbouring countries and the international community;

Fourthly: Declare their intent to work towards ending the ongoing conflict between them, as follows:

1. Give the peace process a strategic priority over other issues to settle the conflict in Darfur;

2. Agree to adopt a comprehensive approach which addresses the root causes of the problem and realizes a lasting peace in the country;

3. Agree to take all necessary measures to create a conducive environment for reaching a lasting settlement of the conflict, including:

   (a) Refrain from all kinds of harassment of IDPs;

   (b) Guarantee the smooth and unobstructed flow of relief assistance to the needy people without any obstacles or constraints;

   (c) Commit to exchange prisoners and release imprisoned, convicted, detained and arrested persons in relation to the conflict between them with a view to building confidence and accelerating the peace process. The State of Qatar and the

AU-UN Joint Chief Mediator will maintain contacts with both parties to work out a timeline for concluding the release of the above-mentioned;

4. Work towards an early framework agreement that leads to cessation of hostilities and lay down the basis for detailed issues;

5. Undertake to follow the framework agreement with serious talks to end the conflict in the shortest possible time, not to exceed three months;

6. Pledge to remain engaged in the peace process and to maintain representatives in Doha to prepare a framework agreement for the final talks.

Done in three languages, in Arabic, English and French, all texts are equally authentic.

Signed in Doha on 17 February 2009.

For the Sudan Government of National Unity	For the Justice and Equality Movement Sudan (JEM)
Dr. Amin Hassan Omer Minister of State Ministry of Culture, Youth and Sports	Dr. Gebreil Ibrahim Mohamed Head of the JEM delegation to the Doha talks

Witnessed by:

Ahmed bin Abdulla Al-Mahmoud Minister of State for Foreign Affairs and Member of the Cabinet State of Qatar	Djibril Yipènè Bassolé AU-UN Joint Chief Mediator for Darfur

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Letter dated 19 February 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the Security Council

I have the honour to forward herewith the communiqué of the sixth meeting of the Evaluation and Monitoring Committee of the Ouagadougou Political Agreement, held on 16 February 2009, under the auspices of the Facilitator of the inter-Ivorian Direct Dialogue, Blaise Compaoré, President of Burkina Faso (see annex).

I should be grateful if this communiqué could be circulated as a document of the Security Council.

(*Signed*) Paul Robert **Tiendrebeogo**
Ambassador
Deputy Permanent Representative
Chargé d'affaires a.i.

09-24436 (E) 230209 240209

Annex to the letter dated 19 February 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the Security Council

[Original: French]

Inter-Ivorian direct dialogue: sixth meeting of the Evaluation and Monitoring Committee

Ouagadougou, 16 February 2009

Final communiqué

1. At the invitation of His Excellency Mr. Blaise Compaoré, President of Burkina Faso, Facilitator of the inter-Ivorian direct dialogue, the sixth meeting of the Evaluation and Monitoring Committee of the Ouagadougou Political Agreement took place in Ouagadougou on 16 February 2009.

2. The meeting was attended by representatives of the signatories of the Ouagadougou Political Agreement, members of the international consultative organ, new observers, and the Prime Minister and Head of Government of the Republic of Côte d'Ivoire, Mr. Guillaume Soro.

3. In his opening statement, the Facilitator welcomed the holding of the meeting, which had been expanded to include representatives of the international community, whom he commended for their willingness to support the crisis recovery process in Côte d'Ivoire. He welcomed the substantial progress made in the peace process in Côte d'Ivoire, in particular the identification and voter registration operation, which, despite many constraints, was achieving significant results. He said that the signing of the fourth supplementary agreement would make it possible to resolve definitively the military and other issues relating to the reunification of the country. He praised the efforts of President Laurent Gbagbo, Prime Minister Guillaume Soro and all Ivorian actors to bring about recovery from the crisis, and once again thanked the development partners who were contributing to the funding of the various operations. Noting the financial difficulties and other constraints facing the peace process, he once again called on all actors and partners to combine their efforts in order to meet those challenges. He said that the peace process had entered a decisive phase and urged all actors to work effectively towards its successful conclusion.

4. After the consideration and adoption of the agenda for the meeting, the Committee heard statements by Mr. Alcide Djédjé, head of the delegation of the Presidency of Côte d'Ivoire, and Mr. Alain Lobognon, head of the delegation of the Forces nouvelles, as well as Mr. Boureima Badini, Special Representative of the Facilitator in Abidjan, and Mr. Y. J. Choi, Special Representative of the Secretary-General of the United Nations for Côte d'Ivoire. The speakers expressed their gratitude to the Facilitator for his tireless efforts to promote peace in Côte d'Ivoire. They welcomed the progress made in the peace process since the previous meeting of the Committee, held on 10 July 2008, and particularly since the signing of the fourth supplementary agreement on 22 December 2008. While welcoming the measures taken by the President and the Prime Minister of Côte d'Ivoire, they emphasized the need for concerted action to accelerate the process with a view to its culmination in democratic elections in a climate of peace.

5. The Committee members then heard a briefing by the Chairman of the Independent Electoral Commission, Mr. Robert Beugré Mambé, on the development of the electoral process, in particular the identification and voter registration operation. He reviewed the registration process and said that it was scheduled to close on 28 February 2009.

6. The Prime Minister, in his statement, reviewed the action taken by the Ivorian Government as part of the implementation of the Ouagadougou Political Agreement. Having described the international economic situation, which was unfavourable for Côte d'Ivoire, and highlighted the country's debt burden, he emphasized the progress made in the identification and voter registration process, and with regard to military issues and the redeployment of administration throughout the country. He thanked the country's partners for their support and called on them to continue that support by financing the crisis recovery process.

7. The Committee members commended the Independent Electoral Commission and the various entities involved in the identification process and expressed their satisfaction with the encouraging results of the identification and voter registration operation, under which more than 4,520,948 people had been registered so far or 52.19 per cent of a target population of 8,663,149.

8. They welcomed the progress made to date in the operation to reconstitute lost or destroyed civil registers, which had entered its operational phase in January 2009 and was due to be completed by 28 February 2009. In accordance with the recommendations of the Permanent Consultative Framework, the Committee noted that the Independent Electoral Commission had agreed to make public, as soon as possible, a timeline for the first round of the presidential election in 2009.

9. The Committee members urged the Independent Electoral Commission to produce a realistic timeline for the electoral process, taking due account of all parameters, and in that regard emphasized the need to set a tentative time period for the first round of the 2009 presidential election, so as to make the crisis recovery process more transparent, restore confidence among the Ivorian people and the country's technical and financial partners, and boost the country's economic recovery. They also underlined the need to make every effort to remove the remaining internal and external constraints on the electoral process, relating in particular to the operation to reconstitute lost or destroyed civil registers, the operationalization of the coordination centres for voter registration, the authentication of the electoral roll, the prompt settlement of electoral disputes and relief of the country's external debt.

10. The Committee welcomed the efforts of the Ivorian Government to finance the crisis recovery process and encouraged it to continue mobilizing the financial resources needed for the execution of the most urgent operations.

11. The Committee members thanked the bilateral and multilateral partners for their financial support for the peace process, which had made it possible to fund the elections. The partners reiterated their commitment to give favourable consideration to filling the gap in the election budget, currently estimated at 8 billion CFA francs.

12. The Committee welcomed the signing, in Ouagadougou on 22 December 2008, of the fourth supplementary agreement to the Ouagadougou Political Agreement, which should provide specific solutions for all military issues relating to the reunification of Côte d'Ivoire. The Committee urged the signatories to implement

the agreement rigorously with a view to definitively resolving the issue of disarmament, demobilization and the establishment of the new national army.

13. The Committee members noted with satisfaction the progress made in the redeployment of the judicial administration, in particular the rehabilitation of courts and prisons in the central, northern and western zones, which had made it possible to reinstate judges and their staff in better working conditions.

14. They also noted the steps taken for the redeployment of the tax and customs administration in the central, northern and western zones and, while welcoming the launch of operations for customs clearance and registration of vehicles, they urged the signatories to intensify their efforts for the full and effective re-establishment of a single State exchequer throughout the national territory.

15. While welcoming the contributions of the development partners in terms of reintegration programmes, the Committee urged the partners to support the Ivorian State in the implementation of its economic programmes and the financing of demobilization and reintegration operations, which would ensure that democratic elections were conducted in a climate of peace.

16. The Committee also welcomed the return of large numbers of persons displaced by the war and commended the actions of humanitarian organizations working for their return in close cooperation with the Government.

17. The Committee decided to hold its next meeting in Ouagadougou in April 2009.

18. In his closing statement, the Facilitator congratulated the participants on the results of their work and invited all parties concerned to work for the implementation of the important recommendations adopted by the Evaluation and Monitoring Committee, in particular to implement the measures set out in the fourth supplementary agreement, which also required the urgent mobilization of funds.

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Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008)

I. Introduction

1. In paragraph 6 of its resolution 1830 (2008), the Security Council requested the Secretary-General to report to the Council on a quarterly basis on the fulfilment of the responsibilities of the United Nations Assistance Mission for Iraq (UNAMI). The present report is the second submitted pursuant to that resolution.

2. The report provides an update on United Nations activities in Iraq since the previous report (S/2008/688), dated 6 November 2008. It presents a summary of key political developments during the period under review, as well as regional and international events concerning Iraq. The report also provides an update on the activities of my Special Representative for Iraq and of UNAMI.

II. Summary of key political and security developments in Iraq

3. Iraq took a significant step forward with the provincial elections held on 31 January 2009 in 14 out of Iraq's 18 governorates, marking the successful culmination of months of political activity and security preparations, as well as extensive technical and logistical electoral preparations undertaken by the Independent High Electoral Commission. Electoral procedures appear to have been widely followed and the voter turnout, estimated at 51 per cent was encouraging, in particular among the Sunni population, which had largely boycotted the previous provincial elections in January 2005. Another positive development was the implementation of a robust national security plan throughout the electoral period, allowing Iraqis to cast their vote with confidence. The period was generally marked with very low levels of violence, especially on the actual day of the elections when hardly any incidents were reported (compared to over 80 serious security incidents on the election day in January 2005). This highlighted the increasing improvement in the capability of the Iraqi Security Forces over recent months. However, in the weeks prior to the elections, some disturbing acts of violence were committed, including the assassination of five candidates, attacks against some Iraqi dignitaries and political activists, and reported acts of intimidation of staff of the Electoral Commission.

4. I paid my second visit to Iraq on 6 February to commend the Iraqi people, the Government of Iraq and the Independent High Electoral Commission on the

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successful conduct of the governorate elections, and I offered the continued support of the United Nations. In meetings with President Jalal Talabani, Prime Minister Nuri al-Maliki and Vice-Presidents Tariq al-Hashemi and Abdul Mahdi, we discussed the need to solidify the recent security gains demonstrated by the conduct of the elections in an environment largely free of violence. I also encouraged Iraqi leaders to seize this opportunity and continue to work together to build an inclusive and representative political process and resolve long-standing disagreements over the future of the Iraqi State and its resources.

5. I also met the Chairman of the Independent High Electoral Commission, Faraj al-Haideri, to congratulate him on the Commission's successful handling of the elections and to assure him of continued UNAMI support for the future. During my meetings with the Ambassador of the United States of America to Iraq, Ryan Crocker, and the Commanding General of the multinational force in Iraq, Ray Odierno, we addressed the changing security posture in the country with the increased transfer of control to the Iraqi Security Forces, the elections being the first testament of their effectiveness. Last but not least, I also met with United Nations staff stationed in Baghdad.

6. The Council of Representatives approved the final draft of the United States-Iraq bilateral security agreement on 27 November. The agreement places United States forces under the authority and jurisdictional purview of the Government of Iraq and includes a timeline for their withdrawal from Iraq by December 2011. The Council of Representatives also voted on 23 December to authorize the Government to allow non-United States forces to remain in Iraq until 31 July 2009. The implementation phase of the security agreement commenced on 1 January and to date the handover process, which includes the transfer of control of Baghdad's International Zone, has proceeded without major incident.

III. Activities of the United Nations Assistance Mission for Iraq

A. Political activities

7. Throughout the reporting period, which followed the passing of the provincial elections law in September 2008, the activities of my Special Representative and UNAMI focused mainly on supporting the Independent High Electoral Commission in preparing for the elections on 31 January.

8. Another priority area of activity for UNAMI has been to continue working on Iraq's disputed internal boundaries. In this connection, the mission has been working with a parliamentary committee set up according to article 23 of the provincial elections law. The committee was tasked by the Council of Representatives to (a) determine a power-sharing formula before provincial elections are held in the Kirkuk Governorate; (b) assess the issue of property disputes before and after 9 April 2003; and (c) consider demographic issues with the technical assistance of the United Nations. Subsequently, the Speaker of the Parliament wrote to my Special Representative reiterating the request for UNAMI to support the work of the Committee.

9. In December 2008, my Special Representative visited Kirkuk in order to see first-hand the situation in the Kirkuk Governorate and hear suggestions from local

political and civil society leaders on the way forward. He thereafter met the members of the committee considering article 23 of the provincial elections law in Baghdad and informed them of the expectations and the willingness of local communities in Kirkuk to work towards finding a solution. He further encouraged the committee to commence their work and offered UNAMI's assistance in technical expertise and secretariat support in cases of disagreement. Subsequently, members of the committee formally requested UNAMI's assistance in order to complete their mandate. In response to that request, on 2 February UNAMI facilitated the first trip of the seven members of the committee to Kirkuk. Since that visit, the committee has begun to meet in Baghdad in the presence of UNAMI.

10. Preparation of the UNAMI's analytical report on disputed internal boundaries for presentation to the Government of Iraq continued throughout the period. As part of its comprehensive review of these areas, UNAMI continued to conduct field visits across relevant areas in the Governorates of Kirkuk, Salahaddin, Diyala and Ninawa to meet with interlocutors from central and local government, civil society and affected minority groups. Representatives from minority groups living in the areas in question were also received by the mission in Baghdad, where concerns relating to the provincial council elections were also discussed.

B. Regional dialogue

11. In accordance with its mandate, UNAMI continued to provide support to the Government of Iraq in its relations with neighbouring countries, in particular through support to the Ad hoc Support Mechanism Unit in the Ministry of Foreign Affairs. United Nations representatives attended two working group meetings, one on refugees in Amman on 15 November and the other on border security in Damascus on 22 and 23 November. Following my Special Representative's visit to the Islamic Republic of Iran in September 2008, Iraq and the Islamic Republic of Iran have also shown interest in working with UNAMI on a bilateral mine-clearance project in border areas. This has also led to the Prime Minister of Iraq ordering the formation of a joint committee, to include the Ministries of Defence, the Interior, the Environment and Foreign Affairs, to address this matter. In addition, the mission has continued to extend its support for implementation of the mandate of the High-level Coordinator for the repatriation or return of all Kuwaiti and third-country nationals or their remains and the return of all Kuwaiti property. UNAMI is working with Iraq and Kuwait to move the bilateral discussions forward, especially on pending issues related to the resumption of the Iraq-Kuwait boundary maintenance project.

12. A welcome development is that representation from the neighbouring countries is steadily increasing in Baghdad. Eight Arab countries, in addition to the League of Arab States and the Organization of the Islamic Conference, are now represented, including five at the ambassadorial level. During the reporting period, Prime Minister Al-Maliki paid visits to the Islamic Republic of Iran and Turkey to discuss cooperation. President Talabani attended the Arab Economic, Development and Social Summit in Kuwait on 19 and 20 January 2009 and had bilateral meetings with his Arab counterparts, including with the Emir of Kuwait about relations between the two countries.

13. The United Nations hopes that processes currently under way aimed at strengthening bilateral relations between Iraq and its neighbours will continue. It is

also hoped that all Member States in the region will re-establish full diplomatic relations with Iraq and work together in a spirit of common interest and mutual respect in order to foster regional stability.

C. Constitutional support activities

14. Following the report of the Constitutional Review Committee in July 2008, in which a number of issues that remained contested within the constitutional review process were outlined, UNAMI's Office of Constitutional Support identified federalism and hydrocarbon regulation as priority issues for resolution and for the country's long-term stability. To build on the impetus generated by the report, UNAMI hosted a round-table discussion on 24 and 25 November in Baghdad to discuss hydrocarbon management in the context of a federal system.

15. In order to build further momentum on these outstanding issues, and to support both national political reconciliation and economic development, two follow-up sessions to that discussion are planned before the 2009 summer parliamentary recess to assist in the identification of concrete and implementable solutions. The first will be a round-table discussion in Arbil, with a particular focus on the issue of federal — regional symmetries and asymmetries, and the second will be an expanded conference in Baghdad on federalism and hydrocarbon management.

16. In support of the ongoing institutional development of the Government of Iraq, UNAMI's Office of Constitutional Support continued to provide technical and legal advice to specific committees of the Council of Representatives on constitutional and legislative matters, including the Committee on Women's, Children's and Family Affairs, the Regions Committee, as well as serving as the co-chair of the international legislative round table, a forum for discussion and information exchange.

D. Electoral assistance activities

17. UNAMI supported the Independent High Electoral Commission and the Government of Iraq in the successful conduct of governorate council elections on 31 January 2009 in 14 governorates. Polling was conducted in an environment that was relatively free of violence and without any major security incidents. Preliminary estimates point to a voter turnout of 51 per cent of the approximately 15 million eligible voters, a figure that compares favourably with subnational election turnouts in other countries. These figures also indicate that Iraqi men and women from all communities participated in the process. On 28 January, in advance of the countrywide polling day, special procedures were put in place to enable the participation in the electoral process of approximately 600,000 eligible police officers and military personnel who would be on duty on the polling day, as well as hospital patients and detainees. The Iraq Electoral Commission announced the preliminary election results on 5 February and intends to certify the final results in late February, pending the adjudication of election-related complaints.

18. The Independent High Electoral Commission recruited and trained more than 260,000 staff, the vast majority coming from the Ministry of Education, to work in more than 7,000 polling centres and 42,000 polling stations throughout the country. This included polling stations to accommodate the approximately 63,000 eligible

internally displaced persons to vote by absentee ballot for their governorate of origin.

19. Just over 400 political entities and coalitions registered with the Iraq Electoral Commission, putting forth more than 14,000 candidates (of whom 3,912 were women) to contest 440 governorate council seats. Civil society engagement was strong; the Commission accredited more than 500,000 political agents and domestic observers to observe all aspects of the electoral process, including the polling, ballot count and tally.

20. A national security plan was developed by the Government of Iraq, which placed the Iraqi Security Forces in the lead for providing security for the elections. The plan was developed in coordination with the Iraq Electoral Commission. The fact that there was an almost complete absence of violence during the elections can to a large extent be attributed to the growing effectiveness of the Iraqi Security Forces.

21. Attesting to the improved stability in the country and the international community's ongoing commitment to the consolidation of democracy in Iraq, scores of international observers were deployed throughout the country, instilling further confidence in the electoral process. The League of Arab States and the Organization of the Islamic Conference sent observer missions, and the Independent High Electoral Commission accredited members of the diplomatic community operating in Iraq to observe the process. The European Union also deployed a small technical assessment team. UNAMI itself deployed 26 international staff outside Baghdad on polling day, and with the presence of national governorate liaison officers covered every governorate in the country on the polling day. My Special Representative himself visited polling centres in Ramadi, Najaf and Baghdad to demonstrate to the people and electoral officials of Iraq the commitment and support of the United Nations to the democratic process.

22. In the lead-up to the elections, UNAMI led the efforts towards addressing the issue of minority representation in the form of an amendment to the 2008 electoral law. The amendment was enacted to accommodate a total of six component seats in the Baghdad, Basrah and Ninawa governorates. The Iraq Electoral Commission, assisted by UNAMI, further regulated the formula for allocating seats to winning parties and candidates. UNAMI provided advice on how best to encourage representation of women in the governorate councils, consistently advocating the active engagement of women in politics.

23. During the reporting period, the Independent High Electoral Commission, assisted by UNAMI, also developed polling and counting procedures, formulated public and civil society outreach strategies and procured materials, including the final voter's lists and ballots. These activities were further supported by capacity-building programmes to ensure the training of the 260,000 staff recruited by the Electoral Commission. Together with partner organizations (the United Nations Development Programme (UNDP) and the United Nations Office for Project Services (UNOPS)), UNAMI also provided extensive assistance with drafting media regulations and policies on elections coverage.

24. In support of the electoral process, the public outreach unit of the Independent High Electoral Commission, backed by electoral assistance and public information officers from UNAMI and UNOPS, held dozens of civil and voter education events

for opinion leaders throughout the country to address a number of key election topics. These included anti-fraud measures, campaign rules and regulations and the voting procedures. These outreach efforts were supplemented by the activities of my Special Representative, who, in joint appearances with the Electoral Commission, announced the beginning of the electoral campaign, explained voting procedures and assured the public of the anti-fraud measures in place. UNAMI further hosted a briefing with the leaders of the political blocs in the Council of Representatives on these issues, counting procedures and the seat allocation formula.

25. In tandem, from 15 December to 19 January the Independent High Electoral Commission (pursuant to legal obligations under the Constitution and the Law on the Formation of Regions) also conducted the Basrah signature collection process as a first step in determining whether to proceed with a referendum in the governorate on forming its own region. The number of collected signatures came to 32,441, well short of the 140,000 signatures required to trigger a referendum. The Electoral Commission subsequently announced that it had rejected the petition on grounds of insufficient signatures.

E. Humanitarian assistance, reconstruction and development

26. Iraq's efforts to meet internationally agreed development targets, as set forth in the International Compact for Iraq, received recognition through the Paris Club's cancellation of Iraq's debt in December 2008. I warmly congratulate the Government of Iraq on this achievement. It augurs well for the country's continued social and economic development and its capacity to reach the Millennium Development Goals despite extraordinary challenges. The United Nations will continue to support this process through the good offices of my Special Adviser on the International Compact for Iraq.

27. To ensure that international support to the International Compact for Iraq complies as far as possible with Paris Declaration principles, the United Nations and the World Bank established an Iraq Partners Forum in November 2008. The Forum brings donors and the United Nations together to align their strategies for Iraq and towards the Compact for maximum transparency and impact. It will be critical to explore how the Compact can be leveraged for even more active international and regional cooperation.

28. In view of the expected closure of the International Reconstruction Fund Facility for Iraq/United Nations Development Group Iraq Trust Fund in the coming years, deliberations began on broader financial support for Iraq through the United Nations. As at 31 December 2008, the total commitments to the Trust Fund amounted to $1.36 billion and total deposits amounted to $1.33 billion. A total of 159 projects and joint programmes valued at $1.22 billion had been approved for funding as at 31 December 2008, including $15 million for humanitarian relief through the Expanded Humanitarian Response Fund.

29. The International Reconstruction Fund Facility for Iraq has been a central pillar of international assistance and is highly valued by the Government of Iraq. I appreciate the outstanding support, both financial and strategic, provided to the Facility through the international community, notably the European Commission and the Governments of Canada, Japan, Spain and the United Kingdom of Great Britain and Northern Ireland. To ensure that the gains made in transparency,

ownership and accountability of programmes are preserved, the United Nations has been requested to develop a coordination mechanism based on similar principles for bilaterally funded projects. Such a system will be critical to ensuring that the international response in Iraq remains strategically aligned and complementary. The Donor Committee of the Facility is likely to discuss this issue.

30. As the International Reconstruction Fund Facility for Iraq comes to a close, the centrality of the International Compact for Iraq as a vehicle to harmonize investments in Iraq has been strongly reinforced by international donors and the United Nations. Prime Minister Al-Maliki has led efforts to clarify Government development priorities under the Compact by requesting a full review and re-prioritization of Compact benchmarks. I also commend the momentum within Iraq to operationalize the Compact through inter-ministerial working groups established in the areas of the economy, governance, agriculture, health, education, energy and private sector development. Ministries have further been tasked to include measures to achieve Compact benchmarks within their budgets for 2009. These decisions have been welcomed by the Baghdad Coordination Group, co-chaired on 23 October by the Deputy Prime Minister of Iraq, Barham Saleh, and my Special Representative.

31. At the same time, the sharp decline in oil prices signals a difficult budget year in 2009. Iraq's fiscal reserves have been strained, undermining the ability of the Government to plan development investment. Several iterations of the 2009 federal budget produced in late 2008 reduced budget allocations for capital investment from $20 billion to $12 billion. The lack of private sector growth to compensate for oil revenues is likely to add to these challenges, in particular for Iraq's labour force. A Government survey released in November indicated that unemployment was rising among young men (15-34 years of age), currently at 28 per cent versus an 18 per cent national unemployment rate. Iraq's labour market currently cannot absorb one third of Iraq's job seekers. This calls for a comprehensive package of national reforms to restructure the budget, update legislative frameworks governing investments and stimulate local private enterprise.

32. Progress and imbalances in social service delivery were further highlighted by a comprehensive food security and vulnerability analysis conducted by the World Food Programme and the Government of Iraq and released in November 2008. The report found that one million Iraqis were food insecure and a further 6.4 million people would slide into food insecurity if not for safety nets, primarily the public distribution system. Areas of particular concern include southern Iraq, with high illiteracy rates (24 per cent versus a 17 per cent national average), high levels of child chronic malnutrition (22 per cent) and a drop out rate from the education system of 10 per cent. Electricity supply, while found to be stabilizing nationally, was least reliable in northern Iraq. The United Nations is strongly urging that targeted investments be made in areas consistently reporting poor humanitarian and development indicators, particularly in Maysan, Dhi Qar, Mosul, Dahuk and Sulaymaniyah, as well as those damaged by conflict-related violence and population movement.

33. Increasing emphasis has been on linking the programmatic responses more closely to the International Compact for Iraq in order to harmonize international investments in Iraq. The first major programme developed under the newly co-signed United Nations assistance strategy targeted the private sector and

economic benchmarks of the Compact. The private sector development programme, approved by the Iraq Strategic Review Board, in December 2008, will invest $32.8 million through seven United Nations organizations in key areas of economic reform. The establishment of a Government-led oversight body for this programme within the Prime Minister's office indicates a strengthening of the partnership between the Government of Iraq and the United Nations on critical strategic initiatives. Other initiatives in 2009 will likely follow a similar model.

34. To capitalize on the momentum of the launch of the assistance strategy by the Minister of Planning in the previous quarter, United Nations agencies, funds and programmes continued to increase the pace of activities in the country. The number of missions to Iraq quadrupled by the close of 2008 over 2007, including many to Iraq's governorates. Over the reporting period, detailed discussions were held on tailored United Nations support with governorate and regional officials in Arbil, Sulaymaniyah, Najaf and Ramadi. Of particular note was the presentation of the assistance strategy to Prime Minister Barzani and 18 members of the cabinet of the Kurdistan regional government by my Deputy Special Representative for Humanitarian, Reconstruction and Development Affairs and the United Nations country team.

35. I also welcome the growing number of senior staff missions from the wider United Nations system to gauge progress and oversee programming in Iraq. Their presence reflects the degree to which achievement of the United Nations mandate in Iraq is a system-wide priority at the highest level. In this regard, in November 2008 my Special Representative welcomed to Iraq for the second time the United Nations High Commissioner for Refugees, António Guterres. Together they travelled to Najaf and met with several political and religious leaders, including Grand Ayatollah Ali al-Sistani and Governor Assad Sulran Abu Gelal, to discuss steps towards ensuring sustainable return for displaced persons.

36. Despite progress on humanitarian issues throughout 2008, conditions for vulnerable and displaced Iraqis in general are still a concern. Security improvements have increased opportunities for United Nations relief programmes; however, implementation has been constrained because of limited funding (only 67 per cent of these programmes were funded as at December 2008). The 2009 consolidated appeal for Iraq and the subregion, launched on 19 November 2008, seeks to address this. Bringing a number of humanitarian organizations together across 12 countries to support Iraqis, it aims towards three objectives: to provide relief for those most vulnerable inside Iraq (including returnee families); to support Iraqi refugees in safety and dignity until return is possible; and to offer a platform for dialogue between Iraq and its neighbours on issues of common concern. The final appeal requests $192 million for activities inside Iraq and $355 million for activities outside Iraq, the latter to be coordinated by the Office of the United Nations High Commissioner for Refugees.

37. Several major coordinated field operations took place in Iraq during the reporting period. The Office for the Coordination of Humanitarian Affairs of the Secretariat and UNAMI coordinated a humanitarian response to attacks and acts of intimidation against Christians in the city of Mosul. Up to 2,500 families were displaced within Ninawa and to neighbouring Dahuk and Arbil Governorates. United Nations organizations, local and international non-governmental organizations and the Red Crescent and Red Cross responded swiftly and effectively

to address the needs of the displaced population, providing food, water and non-food items. A small number of the displaced fled to the Syrian Arab Republic and Turkey. To date, an estimated 2,400 families have returned to Mosul. The Government is providing financial assistance to returning and displaced families.

38. Returns of internally displaced persons and refugees continued over the reporting period, with nearly 40,000 returnee families registered in Iraq by the end of 2008. One of Iraq's largest camps for internally displaced persons closed in Najaf and 300 families were provided with compensation to resettle. While the trend in returns is positive, returnees are increasingly confronted with occupied homes and damaged properties. Orders of the Government of Iraq on property restitution (order 101) and grants for returnees (order 262) have gone some way to securing their legal rights in this regard. As at early November 2008, the property committee responsible for restitution of occupied properties to returnees has received 259 claims; 220 claims have been referred to the Baghdad operation centre and 209 evictions have been carried out, often by the Iraqi Security Forces. UNHCR has been strongly advocating for minimum use of force and appropriate humanitarian provisions for evicted families and has also noted that more needs to be done to ensure that the conditions for sustainable return are put in place and that the policy articulated in orders 101 and 262 is fully implemented. The United Nations stands ready to assist the Government of Iraq to reinforce recent gains so that displaced Iraqis can return in safety and dignity.

39. Cholera cases (an outbreak was first reported during the last quarter of 2008) were reported at a declining rate during the period under review. The Ministry of Health and the World Health Organization (WHO) confirmed a total of 925 cholera cases and 11 deaths as at 21 December 2008. United Nations agencies, led by WHO with support from non-governmental organizations, continued to reinforce Government disease surveillance and public containment efforts. The Government of Iraq welcomed the deployment of an international field mission led by WHO to affected governorates. WHO and the United Nations Children's Fund (UNICEF) also supported the Ministry of Health to implement polio national immunization days in October and November 2008. The campaigns reached nearly 5 million children under the age of five. Iraq has now been polio-free for eight consecutive years.

40. The United Nations has also increased its focus on promoting a good governance agenda, with particular emphasis on combating corruption and on reconciliation and justice. Work has begun on a comprehensive rule of law strategy for 2009 to coordinate with other actors and map Iraq's institutional capacity. UNDP continued its work to prepare the Government of Iraq for a full assessment and self-assessment of its compliance with the United Nations Convention against Corruption, in conjunction with the United Nations Office on Drugs and Crime. Officials from the Commission on Public Integrity, the Board of Supreme Audit, the Central Bank, the Central Organization of Statistics and Information and the Economic Committee of the Council of Representatives were trained to conduct a large-scale survey on corruption which would form the basis for the next phase of assessments.

41. Efforts to restore Iraq's essential services continued, with education and environmental issues a particular priority. Recent assessments conducted in Babil, Qadissiyah and Basrah reveal that only 31 per cent of households report reliable

access to safe drinking water during Iraq's ongoing drought conditions. In those same communities, less than 35 percent of all surveyed households have functional sanitary systems. The United Nations has continued to support the rehabilitation of water and sanitation facilities in several governorates leading to improved access for thousands of people, particularly in the south. Efforts are under way to develop solid waste management plans and strategies for the entire country. Ahead of the new school year, UNICEF, the United Nations Educational, Scientific and Cultural Organization and the World Bank worked with the Ministries of Education and Higher Education to modernize Iraq's education system. A long-term national education strategy for Iraq will be finalized by early 2009. During the reporting period, UNICEF and the United Nations Human Settlements Programme (UN-Habitat) also completed the rehabilitation of 182 schools benefiting over 108,500 students.

42. A major United Nations priority for 2009 will be to improve the conditions and rights of Iraqi women, who have yet to feel the full benefits of Iraq's improving situation. Several United Nations organizations have now joined forces to tackle gender-based violence in Iraq. Initiatives to improve women's access to justice, reform penal codes and increase access to community-based recovery services were led by the United Nations Population Fund (UNFPA), the United Nations Fund for Women and several non-governmental organizations. In an effort to reduce the unacceptably high rate of maternal deaths in Iraq (84 deaths per 100,000 live births), UNFPA and other agencies expanded support, training and materials for mother and child health centres to Iraq's more remote southern marshlands and northern districts.

F. Human rights activities

43. In recent months, Iraq witnessed gradual stabilization and further improvements in security conditions, with a lower number of violent, high-visibility, mass-casualty attacks by militias, insurgents and criminal gangs. Nonetheless, indiscriminate attacks by roadside, car or suicide bombs were almost a daily occurrence. A particularly troubling aspect was the frequent use of women, and occasionally even children, as suicide bombers. For example, a girl aged 13 blew herself up at a checkpoint in Ba'qubah on 10 November 2008. In addition, less visible grave and systematic human rights violations continue and their elimination requires political will, resources and long-term commitment. Three examples of such challenges are cases of reported ill-treatment and torture of detainees by some Iraqi law enforcement authorities, inadequate efforts to bring to justice perpetrators of past and current human rights abuses and cases of disregard for women's rights.

44. On the other hand, I am pleased to note progress towards ensuring the attainment of human rights for Iraqi citizens through the enactment by the Council of Representatives on 16 November 2008 of the law establishing an Independent High Commission for Human Rights. Its creation marks the culmination of two years of intense advocacy work by the UNAMI Human Rights Office and its partners in the international community. A role for UNAMI during the establishment and start-up phase of the Commission is enshrined in the law. I look forward to seeing the UNAMI Human Rights Office working with its Iraqi partners to make the Commission operational as soon as possible and to ensure that this process follows both the letter and spirit of the law while remaining free from political interference.

45. In the weeks leading up to the January provincial elections, some killings of political candidates and electoral workers were recorded. The most significant outbreak of violence in terms of numbers of people affected may well have been election-related too, as the displacement from Mosul of some 2,400 families, predominantly Christian, in late October 2008 appeared to have been a well-planned and systematic campaign, with a political rather than criminal motivation. Targeted killings or other types of attacks against journalists, educators, parliamentarians, humanitarian workers, judges, lawyers and members of minorities remained a worrying feature of the situation in Iraq. In the Kurdistan region, journalists were still subject to violent attacks, threats and lawsuits despite the entry into force of a liberal journalism law. Almost daily murders, alleged suicides and other suspected "honour crimes" were reported.

46. United States forces continue to release detainees in an effort to reduce the detention population. The original plan to transfer all United States detainees to Iraqi custody by 1 January 2009 had to be abandoned owing to a lack of space in Iraqi detention facilities and the inability of the Iraqi judicial system to process thousands of cases. Instead, the Iraqi authorities will review 1,500 cases per month while the United States forces retain physical custody of the detainees. Detainees for whom an Iraqi judge issues no arrest warrant will be released 30 days after the submission of the case file to the Iraqi authorities. As at 17 December 2008, the number of detainees in United States facilities in Iraq had dropped to 15,600 adult males and 58 minors. UNAMI welcomes all these arrangements as an opportunity to examine, clarify and regularize the legal status of many detainees.

47. Meanwhile the overall situation of detainees under Iraqi custody across the country, including in the Kurdistan region, remains of great concern. Many detainees have been deprived of their liberty for months or even years, often in poor conditions, without access to defence counsel or without being formally charged with a crime or brought before a judge. The continuing allegations of torture and ill-treatment of inmates by Iraqi law enforcement personnel remains a particular cause for concern. Pre-trial detainees in particular are subject to violence during the investigation phase to extort confessions. It remains important that the Iraqi authorities recognize that all detainees, including those previously under United States detention, must be afforded due legal process, treated humanely and protected from ill-treatment and torture, particularly now that Iraq has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

48. UNAMI's programmes of human rights promotion through training and capacity-building for the Government of Iraq and civil society continued in line with UNAMI's mandate. Workshops were held on the mainstreaming of human rights in the work of the Ministry of Defence and on anti-terrorism legislation. To mark the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights on 7 December 2008 and express solidarity with the people of Iraq on human rights issues, my Special Representative was joined by the Iraqi Minister for Human Rights, members of the diplomatic community and Iraqi university students at a cultural event hosted at UNAMI headquarters in Baghdad.

G. Operational, logistic and security issues

49. During the reporting period, the General Assembly approved $5 million for work on the design of the UNAMI integrated headquarters in Baghdad, the construction of which remains essential for the continued delivery of our mandate in Iraq. In this connection, I have also received a letter from the Prime Minister of Iraq confirming the Cabinet's decision to allocate $25 million towards the compound, a contribution for which I am grateful to the Government of Iraq. Meanwhile, construction of the new accommodation and office buildings in the Arbil regional office are well advanced, with the first phase already completed, thereby allowing staff permanently deployed to the office to move from prefabricated accommodation to the new building. The new logistical facilities at the Baghdad International Airport are also nearing completion, with occupancy envisaged for early 2009. This will improve the operational readiness of the mission. UNAMI's mobility within the country has also been enhanced with the UNAMI dedicated aircraft now flying to Kirkuk and Mosul on a regular basis to support field deployments, in addition to Amman, Arbil, Kuwait and Baghdad.

50. Each of the key political events during the past quarter was marked by threats of violence against Government officials, the Iraqi Security Forces or the international military presence. That the majority of these threats were not realized could be interpreted as a further sign that militia and insurgent leaders are losing influence, or that their capability and resources are being depleted. However, the continued discovery of new and large weapons caches demonstrates that the intent to maintain a degree of military capability endures and this capability could still be unleashed at a future point in time.

51. Following the successful passage of the bilateral security agreement between the Governments of Iraq and the United States, the Iraqi Security Forces have officially assumed authority over the security environment in the International Zone. The capability and integrity of the Iraqi forces will be further tested, after a successful first step in delivering peaceful provincial elections, with the possibility of at least some insurgent groups trying to launch an attack inside the International Zone. Although the transfer of responsibilities will be gradual, the overall reduction in the role of the multinational force could begin to have an impact on the logistical and security resources available to support United Nations operations over the next six months. Meetings were therefore held with the Minister of Defence and with the United States Deputy Chief of Staff of the Joint Defense Staff and Commander of Green Zone Security Operations to discuss UNAMI security in the Green Zone and possible Iraqi defence force security for the mission.

52. The major religious event of the period, the Ashura commemoration of the death of Imam Hussein, was marred by violent attacks on pilgrims travelling to Baghdad and Karbala in the first week of January. Two mass-casualty attacks at the Imam Moussa al-Hussein Shrine in Baghdad in the lead-up to Ashura claimed the lives of over 50 pilgrims, with dozens of others killed or injured in roadside bombings or armed assaults in the same period. Intense security measures in place on the main day of Ashura ceremonies, 7 January, prevented any further significant attacks. However, Shia pilgrims were the target of several attacks on 11 February, which left at least 16 people dead, and on 13 February, which left 35 people dead, many of them women and children.

53. In the northern provinces of the Kurdish regional government, the security environment remained stable. Turkey has reportedly withdrawn a significant number of ground forces from the border areas of Dahuk and Arbil, but sporadic aerial bombardment continues. Most often these attacks do not hit populated areas. A similar scenario exists along the external border of Sulaymaniyah, where artillery fire from the Islamic Republic of Iran is periodically aimed at Kurdish Workers Party operations. Again, this activity rarely causes casualties, but it has displaced some rural communities. Tensions between the Iraqi Security Forces and Kurdish Peshmerga forces in northern Diyala and Ninawa have subsided, but may not be fully resolved until the broader underlying political issues affecting these areas are addressed. In Ba'qubah and Mosul, security forces continue to wage daily battles against a persistent insurgent element. Ninawa witnessed the least improvement in terms of the overall security environment, with violent incidents still numbering in the range of 300 to 400 per month.

54. Since the Iraqi Security Forces took responsibility for security in Al Anbar Governorate last September, they have been able to maintain a reasonably secure environment. Ramadi and the western reaches of the province are stable, but indications suggest Al-Qaida in Iraq is attempting a resurgence in Fallujah. In that city there has been a preponderance of large-scale suicide attacks, most frequently directed at security forces. It is in Fallujah that hostile groups were thought most likely to launch a direct attack on the provincial election process. Two schools intended to be used as polling centres were set ablaze in early January and election staff were reportedly harassed.

55. In the southern provinces there has been little shift in the prevailing security environment. There have been no major military operations, although an ongoing operation to interdict weapons smugglers in Maysan Province has led to sustained attacks against Iraqi Security Forces and the multinational force. The provincial elections prompted some politically motivated violence, mostly in the form of targeted assassinations against rival candidates.

56. The UNAMI Security Section is currently working with the Departments of Safety and Security, Political Affairs and Field Support of the Secretariat to create a new security operational plan to reflect the increasing pace of change in the security environment. The need for improved self-reliance in order to maintain a credible and robust security posture is also borne out by the ever increasing operational pace of the United Nations in Iraq. The first quarter of 2009 was very intensive in terms of complex missions conducted, particularly in support of the activities of the UNAMI Election Assistance Team and Political Affairs Office, with a 30 per cent increase over the same period in 2008.

57. UNAMI's provincial outreach has increased since the deployment of 11 national Governorate Liaison Officers in Ninawa, Salahaddin, Baghdad, Diyala, Hilla, Karbala, Najaf, Wasit, Qadisiyah, Muthanna and Dhi Qar Governorates. These staff will monitor the political, social, economic and humanitarian situation in their respective governorates. They will also liaise between the United Nations and governorate officials, civil society and representatives of political parties and promote concrete activities. A United Nations presence has been established in Ramadi during the reporting period and strengthened in Najaf, Basrah, Mosul and Kirkuk.

58. The ability to maintain the increased level of operations has been in part thanks to the assistance of military advisers provided by Member States. Their invaluable assistance in liaising with Iraqi and multinational forces remains essential to ensuring coordination of security and logistical support to United Nations staff, particularly for those tasked with travelling to the governorates to expand programme activities. I wish to thank the Governments of Australia, Denmark, Nepal, New Zealand, the United Kingdom and the United States for their contributions.

H. Agreements

59. Further to my letter dated 12 December 2008 to the President of the Security Council (S/2008/783), and to the President's reply of 16 December 2008 on behalf of the Council (S/2008/784), I proceeded to negotiate a new agreement with the Government of the United States setting out detailed arrangements concerning the continued provision by the United States forces of security support for the United Nations presence in Iraq. The negotiations were successfully concluded on 31 December 2008. As I observed in my letter of 12 December 2008 to the President of the Security Council, this new agreement was needed to replace the previous agreement of 8 December 2005 between the United Nations and the Government of the United States, which had ended on 31 December 2008 in accordance with its terms, following the entry into force of the bilateral security agreement between Iraq and the United States. The Government of Iraq was kept informed of the negotiation of the agreement between the United Nations and the United States and was provided with a copy of the text of the signed agreement.

IV. Observations

60. The successful holding of provincial elections on 31 January signifies an encouraging accomplishment for Iraq. I was delighted that millions of Iraqi people exercised their right to vote in an environment largely free of violence — a remarkable achievement in a country that has seen so much conflict in recent years. Iraq has come a long way in taking its own affairs in hand, this being the first fully Iraqi-led and Iraqi-owned electoral process.

61. On my recent visit to Baghdad, I congratulated the Iraqi people and political leadership on the successful outcome of the elections, and I commended the professionalism of both the Independent High Electoral Commission and the Iraqi Security Forces. Everyone I encountered strongly praised the role of UNAMI in supporting these well-prepared elections.

62. These elections represent an important turning point by yielding a more representative and inclusive political process at the local level. The onus is now on those who will take their seats in the governorate councils to engage in constructive political dialogue so that the benefits of the improved security situation can be turned into actions designed to deliver tangible benefits and essential services to the people of Iraq. Only if they witness greater accountability, efficiency and transparency will the Iraqi people feel that their votes made a difference.

63. In order to achieve lasting peace, I am hopeful that the Iraqi leaders will embrace this opportunity and build a positive momentum towards national dialogue and reconciliation. This will require all concerned to remain open to compromise and work together in a sprit of national unity. During my meetings in Baghdad, I was encouraged by statements made by a number of Iraqi political leaders indicating their willingness to play a constructive role in this process.

64. In the coming months, attention is likely to shift towards the issue of disputed internal boundaries and the status of Kirkuk. The groundwork being undertaken by UNAMI with key interlocutors in Baghdad and in the disputed areas remains a priority for the mission. The United Nations is committed to playing an impartial and neutral role towards building confidence and trust among the parties concerned, promoting dialogue and helping to forge a consensus. I strongly support the good offices of my Special Representative to accomplish these goals, in accordance with UNAMI's mandate and in full consultation with the Government of Iraq.

65. I also welcome the passage of a law by the Council of Representatives to establish the Independent Human Rights Commission. Only through a strong and robust Commission will the current concerns on human rights and the attainment of international standards in this area be achieved for the benefit of all Iraqi citizens. The United Nations remains committed to supporting the Government of Iraq's efforts to this end.

66. Iraq's current economic challenges will generate difficult choices for the Government in 2009. Public funding for much-needed reconstruction and development activities appears to be diminishing, and the concern is that this could make the delivery of essential services, the reduction of poverty and efforts to achieve the country's Millennium Development Goals more difficult. In a climate of improved security and a stronger sense of national responsibility, Iraqis are increasingly looking to their Government — at both the national and the provincial levels — to provide the rewards of recovery: jobs, clean water and streets, reliable electricity, better schools and adequate health care. The United Nations is committed to supporting the Government of Iraq as it endeavours to meet those needs.

67. I was pleased to meet the United Nations country team in Iraq during my mission to the region. I also welcome the expansion of the United Nations presence in Iraq since 2007, signifying a deeper engagement on humanitarian and development issues. The United Nations remains committed to supporting the people and Government of Iraq through key initiatives, including the International Compact for Iraq, the national assistance strategy and the consolidated appeals process. As the United Nations international presence expands, we should also acknowledge the excellent work of the hundreds of national staff inside Iraq. Their efforts have made an important contribution to improving the lives of ordinary Iraqis. I therefore encourage Member States to continue their support to United Nations agencies, funds and programmes operating in Iraq.

68. I am pleased that the ongoing efforts of the mission to move forward its expansion at locations in Basrah, Kirkuk, Najaf, Ramadi and Mosul continue. Consolidating logistical support and security arrangements in these locations will be vital over the coming year in order to deepen the United Nations outreach at the governorate level. UNAMI remains committed to increasing its self-reliance as the multinational forces draw down. I encourage Member States to continue to support

United Nations efforts to allow it to deliver on its mandate outlined in Security Council resolution 1830 (2008).

69. The implementation of the bilateral security agreement has not only strengthened Iraq's sovereignty by ending the mandate of the multinational forces under Security Council resolution 1546 (2004), but it has also demonstrated the growing capability of the Iraqi Security Forces to maintain law and order. While I am encouraged by the marked improvement in the security situation in the country, further steps need to be taken to bring to an end the sporadic and indiscriminate violence that continues to affect Iraq's civilian population.

70. It was with deep sadness that UNAMI experienced a further loss of life in November 2008. A large calibre rocket struck the United Nations interim accommodation facility in the International Zone, resulting in two support staff contracted by the United Nations being killed and another 15 injured. While there have been notable improvements in the overall security situation, the incident underscores the fact that United Nations staff members continue to live and operate in a potentially dangerous environment and remain a target of some groups. It is for this reason that staff security must remain a top priority.

71. I left Iraq on 6 February convinced that the expansion of UNAMI, and its greatly increased activities under resolution 1770 (2007), are welcomed developments. United Nations staff in Iraq were warmly praised by all my interlocutors for their work on electoral support, disputed internal boundaries, constitutional reform, human rights and humanitarian reconstruction and development assistance. A number of Iraqi leaders requested UNAMI and United Nations organizations to continue to increase their activities throughout the country.

72. As requested by the Security Council under resolution 1859 (2008), the United Nations is committed to preparing a report, after consultations with Iraq, on facts relevant for consideration by the Council on actions necessary for Iraq to achieve international standing equal to that which it held prior to the adoption of resolution 661 (1990).

73. I wish to express my sincere gratitude to my Special Representative for Iraq, Staffan de Mistura, for his energetic and committed leadership of the mission. I would like to pay tribute to the brave men and women of UNAMI and United Nations agencies, funds and programmes who have worked at great risk through extremely difficult periods to help the Iraqi people. I wish the Iraqi people and leaders well in consolidating their security gains and moving on to address the many political, economic and social challenges still facing the country.

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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 17 February 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

On 14 March 2008, the United Nations General Assembly adopted at its sixty-second session resolution 62/243, entitled "The situation in the occupied territories of Azerbaijan".

By paragraph 8 of the resolution, the General Assembly requested the Secretary-General to submit to the General Assembly at its sixty-third session a comprehensive report on the implementation of the resolution.

In view of this provision, Member States were requested to provide relevant information on the matter. Azerbaijan responded to this request by submitting the relevant documents covering a wide range of issues pertaining to the conflict between Armenia and Azerbaijan. This written contribution by Azerbaijan included among others the document entitled "Support by States Members of the United Nations and international organizations to Azerbaijan's position on the conflict in and around the Nagorny Karabakh region of Azerbaijan" (see annex).

Insofar as the existing page limit requirement prevents the content of this document from being reflected in the report of the Secretary-General, I should be grateful if you would have the present letter and the aforementioned document circulated as a document of the General Assembly, under agenda items 13 ("Protracted conflicts in the GUAM area and their implications for international peace, security and development") and 18 ("The situation in the occupied territories of Azerbaijan") of its sixty-third session, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

09-24601 (E) 250209

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Annex to the letter dated 17 February 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Support by States Member of the United Nations and international organizations to Azerbaijan's position on the conflict in and around the Nagorny Karabakh region of Azerbaijan

The statements and documents are given in a chronological order corresponding to occupation of the territories of Azerbaijan starting with the accession of the Republic of Azerbaijan to the United Nations and consideration of the conflict by the Security Council in the first quarter of 1992.

The **Organization of the Islamic Conference** has been consistently taking the principled position regarding the illegal use of force against the sovereignty and territorial integrity of Azerbaijan and occupation of its territories. Since the evolution of the issue, the OIC has explicitly determined the actions of Armenia on the territory of Azerbaijan as the **aggression by the former against the sovereignty and territorial integrity of Azerbaijan** and included this issue as the permanent item on its agenda. Vast number of the OIC decisions and resolutions on the conflict between Armenia and Azerbaijan and individual support of Member States of this Organization have been instrumental in addressing occupation of the territories of Azerbaijan by the international community and in particular by the United Nations General Assembly and the Security Council.

On 12 May 1992, in response to the occupation of **Shusha** on 9 May 1992 – the last Azerbaijani populated district in the Nagorny Karabakh region of Azerbaijan – the **Security Council** adopted its first **Presidential Statement** on the conflict. The Council welcomed the dispatch by the United Nations Secretary-General of the fact-finding mission and referred to the United Nations Charter principles pertaining to the peaceful settlement of disputes and the non-use of force. Subsequent occupation of the **Lachin** region of Azerbaijan on 14 May 1992, adjacent to Nagorny Karabakh and bordering Armenia, prompted a series of reaction.[1]

The **United States** Department of State declared on 21 May 1992 that the United States "will not accept unilateral changes in the status of Nagorny-Karabakh, Nakhichevan, or any other territory by military actions or violence".[2]

In its **Statement** of 23 May 1992 the Ministry of Foreign Affairs of the **Russian Federation** made it clear that "No current circumstances can permit the State to resort to the annexation of foreign territory. No one can count on the support of Russia for such unlawful actions".[3]

In its **Statement** of 22 May 1992 the **European Community** declared that "the Community and its Member States condemn in particular ... any actions against territorial integrity or designed to achieve political goals by force, including the driving out of civilian population".[4]

[1] S/23904.
[2] S/24053.
[3] *Ibid.*
[4] A/47/227.

The **North Atlantic Council** stated on 22 May 1992 that "Any action against Azerbaijan' or any other State's territorial integrity or to achieve political goals by force would represent a flagrant and unacceptable violation of the principles of international law and CSCE". The Council called for taking "immediate steps to de-escalate the conflict, including withdrawal from occupied areas".[5]

In the **Statement** by the **President of the United Nations Security Council** of 6 April 1993 the Security Council "expresse[d] its serious concern at the deterioration of relations between the Republic of Armenia and the Republic of Azerbaijan, and at the escalation of hostile acts in the Nagorny-Karabakh conflict, especially the invasion of the Kelbadjar district of the Republic of Azerbaijan by local Armenian forces". The Council "demand[ed] the immediate cessation of all such hostilities, which endanger peace and security of the region, and the withdrawal of these forces". "In this context, the Security Council, reaffirming the sovereignty and territorial integrity of all States of the region and the inviolability of their borders, expresse[d] its support for the CSCE peace process" and "request[ed] the Secretary-General, in consultation with the CSCE, to ascertain facts, as appropriate, and to submit urgently a report to the Council containing an assessment of the situation on the ground".[6]

The **United Nations Secretary-General's Report** submitted to the Security Council, in particular its paragraph 10, determined that "The intensification of fighting in and around Nagorny-Karabakh, especially the recent attacks against the Kelbadjar and Fizuli districts of Azerbaijan, poses a serious threat to the maintenance of international peace and security in the entire Transcaucasus region..". According to the Report, "It is clear ... that there has been a major outbreak of fighting in various locations in Azerbaijan, outside the enclave of Nagorny-Karabakh. Reports of the use of heavy weaponry, such as T-72 tanks, Mi-24 helicopter gunships and advanced fixed wing aircraft are particularly disturbing and would seem to indicate the *involvement of more than local ethnic [Armenian] force*" (emphasis added).[7]

The **United Nations Security Council resolution 822 (1993)** adopted in response to the occupation of **Kelbadjar region** of Azerbaijan, reaffirmed the respect for sovereignty and territorial integrity of all states in the region, the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory. The Council demanded the immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan. It also reaffirmed that all parties are bound to comply with principles and rules of international humanitarian law.

At the second summit of the **Economic Cooperation Organization**, held in Istanbul on 6-7 July 1993, the Heads of States or Governments of Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkey, Turkmenistan, and Uzbekistan adopted the **Statement** in which they condemned the continuation of the Armenian aggression against Azerbaijani territories and the escalation and widening of hostilities towards Agdam, Fizuli, Jabrail, Gubatli and Agdere regions of Azerbaijan. Reaffirming the principle of

[5] S/24053.
[6] S/25539.
[7] S/25600.

inadmissibility of acquisition of territory by force and non-use of force for gaining political advantages, the participating states called upon the international community to use its influence over Armenia for putting an end to this aggression.[8]

The **CSCE Chairman of the Minsk Conference** in its **Report** submitted for consideration by the United Nations Security Council in response to the occupation on 23 July 1993 of the **Agdam region** clearly indicated that Agdam posed no serious military threat to Nagorny Karabakh. The CSCE Chairman, on behalf of the nine members of the CSCE Minsk Group, condemned the seizure of Agdam, as an act that cannot be justified on self-defense grounds and that contradicts the commitment to a peaceful settlement of the conflict. He further spelled out that those who encourage the Armenian community of the Nagorny Karabakh [region of Azerbaijan] to continue the fighting and the encroachment on the surrounding territories share responsibility for the continuing loss of Armenian lives and destruction of the Armenian economy.[9]

In its **resolution 853 (1993)** the **United Nations Security Council** reaffirmed the sovereignty and territorial integrity of Azerbaijan and demanded the immediate, unconditional and complete withdrawal of all occupying forces involved from the Agdam region and all other recently occupied areas of Azerbaijan. The Council urged States to refrain from the supply of any munitions and weapons which might lead to an intensification of the conflict or the continued occupation of the territory.

The 17 August 1993 **Statement** by the Ministry of Foreign Affairs of **Turkey** expressed its deep concern over the continued occupation of the territories of Azerbaijan in defiance of the Security Council resolutions and CSCE peace process. It underlined that if there is a desire for peace, stability and cooperation in the region, then the use of force should be avoided and the immediate, complete and unconditional withdrawal of Armenian forces from all occupied Azerbaijani territories should be secured.[10]

In the **Presidential Statement** of 18 August 1993 the **United Nations Security Council** condemned the attacks on the **Fizuli region** from the Nagorny Karabakh region of Azerbaijan. The Council demanded the immediate, complete and unconditional withdrawal of occupying forces from the area of Fizuli, and from the Kelbadjar and Agdam regions and other recently occupied areas of Azerbaijan. The Council strongly reaffirmed its calls for States to refrain from supplying any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of the territory of Azerbaijan. The Council called upon the **Government of Armenia** to ensure that the forces involved are not provided with the means to extend their military campaign still further.[11]

On 29 August 1993, the Minister for Foreign Affairs of the **Islamic Republic of Iran** addressed the **letter** to the United Nations Secretary-General informing him on the new and critical stage in the escalation of the conflict caused by the ongoing offensives by the

[8] S/26067.
[9] S/26184.
[10] S/26324.
[11] S/26326.

Armenian forces against the territory of the Republic of Azerbaijan. In the light of Iran's experience in mediation in the area and in view of its knowledge of the complex issues involved, the Minister believed that in order to curb the spread of the war and achieve a just solution it was essential that the United Nations took immediate and effective measures to implement Security Council resolutions 822 (1993) and 853 (1993) and decisively compel the aggressive forces to accept a cease-fire and to withdraw to the internationally recognized borders.[12]

The **Statement** by the **European Community and its Member States** of 6 September 1993 condemned the recent offensives by local Armenian forces in Nagorny Karabakh resulting in deeper and deeper incursions into Azerbaijani territories. They noted with regret that such actions were extending the area of armed conflict to encompass more and more of the Azerbaijani territory and were creating a very serious refugee problem in Azerbaijan and one already involving neighboring countries, with a concomitant threat to regional security. The Community and its Member States reaffirmed their support for the territorial integrity and sovereignty of the States in the region. The Community and its Member States called upon Armenia to ensure that the local Armenian forces carrying out offensives in Azerbaijan territory were not given the material means of further extending such offensives.[13]

Statement of 7 September 1993 by the Official Spokesman of the Ministry of External Affairs of the Government of **India** on the conflict between Armenia and Azerbaijan over Nagorny Karabakh pointed out that the Government of India followed with great concern the escalation of hostilities in and around Nagorny Karabakh with the considerable ingress of Armenian forces into Azerbaijan. The Government of India appealed to the parties concerned urgently to take the remedial steps required to respect international borders, to restore peace and to resolve mutual differences through early peaceful negotiations.[14]

In its **resolution 874 (1993)** of 14 October 1993 the **United Nations Security Council** reaffirmed the sovereignty and territorial integrity of Azerbaijan, the inviolability of its international borders, the inadmissibility of the use of force for the acquisition of territory and that the Nagorny Karabakh region is inalienable part of Azerbaijan. The Council expressed its grave concern at the human suffering the conflict has caused and at the serious humanitarian emergency and the displacement of large numbers of civilians in Azerbaijan. The Council, *inter alia*, called for withdrawal of occupying forces from the occupied territories of Azerbaijan and requested the Secretary-General and relevant international organizations to assist refugees and displaced persons to return to their homes in security and dignity.

The Permanent Representative of **Turkey** to the United Nations in his **letter** of 27 October 1993 addressed to the President of the United Nations Security Council stated that "at a time when H.E. Margaretha af Ugglas, Chairperson of the CSCE, was paying the visit to the region in order to promote a dialogue between the interested parties, the Armenian forces initiated a new and large-scale attack on the Zangelan region of Azerbaijan and the town of

[12] S/26387.
[13] S/26417.
[14] S/26421.

Horadis. As a result of this new Armenian aggression, the city of Zangelan remained besieged by the Armenian forces and the alarming reports indicate that the inhabitants of Zagelan, in addition to tens of thousands of Azerbaijanis who had been encircled near the Iranian border, are desperately striving to evacuate the city in order to reach safer areas. It had become clear that, despite serious warnings of the Security Council and all the efforts of the CSCE Minsk Group, Armenia persisted to control close to 20% of the Azerbaijani territories it had occupied and was determined to continue its aggressive policy against Azerbaijan".[15]

The Spokesman of the Ministry of Foreign Affairs of **Turkey** in the **Statement** of 27 October 1993 in connection with the attacks on the city of Horadiz and Zangelan region of Azerbaijan emphasized that "not only the countries of the region, but the international community as well must, without further delay, react against the ongoing Armenian aggression, which is being carried out in blatant violation of the relevant Security Council resolutions and CSCE principles. In an attempt to halt Armenian aggression, as a first step, the logistical supply enabling the continuation of the Armenian attacks must be cut off and other necessary enforcement measures, including sanctions, should be adopted by the international community at once".[16]

The Deputy Permanent Representative of the Islamic Republic of **Iran** to the United Nations in his **letter** dated 28 October 1993 addressed to the President of the United Nations Security Council expressed its "extreme concern about the fresh Armenian military offensives and continued occupation of the territories of Azerbaijan. Local Armenian forces, supported by forces of the Republic of Armenia, are grabbing more lands as they push deeper inside the territory of Azerbaijan. The recent military operations have already resulted in significant casualties and so far, 30.000 citizens of Azerbaijan, fleeing their homes, have entered the territory of the Islamic Republic of Iran seeking safe refugee. The Islamic Republic of Iran reaffirms full support for the sovereignty and territorial integrity of Azerbaijan and underlines the importance of respect for the cease-fire and the immediate withdrawal of all Armenian forces from the entire occupied territory of the Republic of Azerbaijan".[17]

The European Union in its **Statement** dated 9 November 1993 concerning Nagorny Karabakh condemned the breach of cease-fire agreement reached on 24 October 1993 in the region of Nagorny Karabakh and called upon all forces to withdraw from recently occupied territories. The EU reiterated the importance it attached to the territorial integrity and sovereignty of the Republic of Azerbaijan, in accordance with the principles of the CSCE. The EU was particularly concerned at the fate of tens of thousands of civilians who had been fleeing the fighting and pledged to continue its humanitarian aid to the affected population.[18]

The **Chairman of the CSCE Minsk Conference** in his **letter** addressed on behalf of the nine Minsk Group countries (**Germany, United States of America, Belarus, France, Italy, Russian Federation, Sweden, Czech Republic and Turkey**) to the President of the United

[15] S/26650.
[16] S/26665.
[17] S/26662.
[18] S/26728

Nations Security Council condemned the seizure of the territories of Azerbaijan by force and defined that such actions constitute unacceptable violations of the CSCE principle of non-use of force and undercut their efforts to find a peaceful solution to this conflict. They also condemned the looting, burning and destruction of villages and towns, which cannot be justified under any standards of civilized behavior. The nine countries declared that no acquisition of territory by force can be recognized, and occupation of territory cannot be used to obtain international recognition or to impose a change of legal status and requested the unilateral withdrawal from the occupied territories of Azerbaijan.[19]

Complete occupation of the **Zangilan region** of Azerbaijan and the **city of Horadiz** and the expulsion of all Azerbaijani population considerably worsened the humanitarian situation in Azerbaijan and impelled the **United Nations Security Council** to respond again. The Council in its **resolution 884 (1993)** reaffirmed the sovereignty and territorial integrity of Azerbaijan and condemned the occupation of the Zangilan region and the city of Horadiz, and the attacks on civilians and bombardments of territory of the Republic of Azerbaijan. The Council demanded the unilateral withdrawal of occupying forces from the occupied Zangilan region and the city of Horadiz and from other recently occupied territories of Azerbaijan and requested the Secretary-General and relevant international agencies to provide urgent humanitarian assistance and to assist refugees and displaced persons to return to their homes in security and dignity.

"Noting with alarm that the humanitarian situation in Azerbaijan has continued to deteriorate seriously..., and that the number of refugees and displaced persons in Azerbaijan has recently exceeded one million", the **United Nations General Assembly** in its **resolution 48/114** entitled "**Emergency international assistance to refugees and displaced persons in Azerbaijan**" "urgently appeale[d] to all States, organizations and programmes of the United Nations, specialized agencies and other intergovernmental and non-governmental organizations to provide adequate and sufficient financial, medical and material assistance to the Azerbaijani refugees and displaced persons".

The **Statement** of the President of the **United Nations Security Council** of 26 April 1995 basically reaffirmed the essence of the Council's previous resolutions on the matter.[20]

The OSCE Chairman-in-Office in his **Statement** at the OSCE Lisbon Summit of 1996 outlined the three principles which should form part of the settlement of the Nagorny Karabakh conflict, which were recommended by the Co-Chairmen of the Minsk Group. These principles were supported by all OSCE participating States, except for Armenia. They are:

- territorial integrity of the Republic of Armenia and the Republic of Azerbaijan;
- legal status of Nagorny Karabakh defined in an agreement based on self-determination which confers on Nagorny Karabakh the highest degree of self-rule within Azerbaijan;
- guaranteed security for Nagorny Karabakh and its whole population, including mutual obligations to ensure compliance by all the Parties with the provisions of the settlement.

[19] S/26718
[20] S/PRST/1995/21

On 29 October 2004, the **United Nations General Assembly** decided to include the item entitled **"The situation in the occupied territories of Azerbaijan"** to the agenda of its 59th session. The Assembly's consideration of this agenda item played a crucial role in attracting attention to the issue of the illegal transfer of settlers into the occupied territories of Azerbaijan, as well as in initiating urgent measures for putting this dangerous practice to an end.

On 7 September 2006, the **United Nations General Assembly** adopted without a vote **resolution 60/285** entitled **"The situation in the occupied territories of Azerbaijan"** in regard to the incidents of massive fires taken place in the occupied territories. The resolution stressed the necessity of the urgent conduct of the environmental operation, called for assessment of the short-term and long-term impact of the fires on the environment of the region and its rehabilitation. For these purposes, the resolution emphasized the readiness of the parties to cooperate and called upon the organizations and programs of the United Nations system, in particular the United Nations Environment Program to cooperate with the OSCE.

The European Union in the **Action Plan of the European Neighbourhood Policy** set ambitious objectives based on mutual commitments of the EU and its Member States and Azerbaijan to common values, including the respect of and support for the sovereignty, territorial integrity and inviolability of internationally recognized borders of each other and compliance to international and European norms and principles as well as support for effective implementation of political, economic and institutional reforms.

In the **NATO Riga (2006) and Bucharest (2008) Summits' Declarations** the NATO Member States underlined their "... support to the territorial integrity, independence, and sovereignty of Armenia, Azerbaijan, Georgia and Republic of Moldova..".

The Embassy of **Japan** in Azerbaijan in response to the so-called "presidential elections" held in the Nagorny Karabakh region in 2007 by the illegal separatist regime established in the occupied territories of Azerbaijan stressed that "it is important to settle the conflict in a peaceful way basing on a principle of the territorial integrity of the Republic of Azerbaijan within the internationally recognized borders".

The **European Union** in response to the so-called "presidential elections" held in the Nagorny Karabakh region of Azerbaijan in 2007 issued the **Statement** in which it "underlined that EU does not recognize the independence of Nagorno-Karabakh. Neither does it recognize the legitimacy of these 'presidential elections', which should not have any impact on the peaceful settlement of the Nagorno-Karabakh conflict. Furthermore, the EU recalls that refugees and internally-displaced persons should be given the right to a safe, secure and dignified return of their homes in order to fully participate in electoral acts".

Mr. Liu Jianchao, Foreign Ministry Spokesman of **China**, in response to the so-called "presidential elections" held in the Nagorno-Karabakh region of Azerbaijan in 2007 emphasized that "the Chinese Government respects the independence, sovereignty and territorial integrity of the Republic of Azerbaijan, supports the UN Security Council's resolutions on Nagorno-Karabakh Region".

H.E. Mr. Bernard Kouchner, Minister of Foreign and European Affairs of **France**, in his **letter** of April 2008 addressed to his Azerbaijani counterpart stressed that "France has always supported, supports and will support the territorial integrity of Azerbaijan... As a consequence of this support to the territorial integrity of Azerbaijan, France has never, in the past, considered Nagorno-Karabakh as an independent state. This position remains unchanged. Moreover, France does not recognize the independence of Nagorno-Karabakh, notwithstanding with the results of the solutions of other conflicts elsewhere".

On 14 March 2008, the **United Nations General Assembly** adopted at its 62nd session **resolution 62/243** entitled **"The situation in the occupied territories of Azerbaijan"**. Seriously concerned that the armed conflict in and around the Nagorny Karabakh region of the Republic of Azerbaijan continued to endanger international peace and security, the General Assembly reaffirmed its continued strong support for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders, demanding the immediate, complete and unconditional withdrawal of all Armenian forces from all occupied territories of the Republic of Azerbaijan. At the same time, the Assembly reaffirmed the inalienable right of the population expelled from the occupied territories to return to their homes. It has been also recognized the necessity of providing normal, secure, and equal conditions of life for Armenian and Azerbaijani communities in the Nagorny Karabakh region of the Republic of Azerbaijan, which would allow to build up an effective democratic system of self-governance in this region within the Republic of Azerbaijan. The General Assembly also reaffirmed that no State shall recognize as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor render aid or assistance in maintaining this situation.

At the meeting of the **Presidents of Armenia, Azerbaijan and the Russian Federation** in Moscow on 2 November 2008, they signed the **Declaration** stating that "the settlement of the conflict should be based on the norms and principles of international law and the decisions and documents adopted in this framework", which indisputably implies the United Nations General Assembly and Security Council resolutions on the conflict.

United Nations S/2009/104

Security Council

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20 February 2009

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Letter dated 19 February 2009 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

It gives me great pleasure to enclose herewith for your information, and through you to members of the Security Council, the agreed outcomes of the Tripartite Committee meeting, comprising the Government of the Sudan, the African Union and the United Nations, held in Khartoum on 18 February 2009 (see annex). The outcomes demonstrate the strong commitment of the Government of the Sudan to the full deployment of the African Union-United Nations Hybrid Operation in Darfur.

I would be grateful if the present letter and its annex were issued as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

09-24569 (E) 250209

Annex to the letter dated 19 February 2009 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Government of Sudan, African Union and United Nations Tripartite Committee on UNAMID

18 February 2009
Khartoum

Agreed Outcomes

1. On 18 February 2009 representatives from the Government of Sudan (GoS), the African Union (AU), the United Nations (UN) and the African Union, United Nations Hybrid Mission in Darfur (UNAMID) met in Khartoum to conduct the fourth Tripartite Coordination Mechanism meeting on UNAMID. The meeting focused on issues needing further attention and follow-up relating to the UNAMID deployment as well as a review of the current political and security developments in the context of Darfur.

2. The Government of Sudan included representatives from Ministries of Foreign Affairs, Interior, Defense, National Security, Civil Aviation and was led by Dr. Mutrif Siddiq, Under Secretary for the Ministry of Foreign Affairs. The African Union Commission delegation was led by Mr. Ramtane Lamamra, and included the Head of the African Union Liaison Office and officials of the Commission. The United Nations Delegation was led by Under Secretary General for Field Support, Ms. Susana Malcorra. The UNAMID delegation led by the AU/ UN Joint Special Representative Mr. Rodolphe Adada accompanied by the Deputy Joint Special Representative for Operations and Management, the Force Commander and the Police Commissioner.

3. The Government of Sudan briefed on the outcome of the Doha talks. While expressing satisfaction with the preliminary results which has opened the way for discussions, the Government noted the wish for the parties to commit to a fixed time-frame and concrete steps to improve security in Darfur. Commissioner Lamamra noted that the situation on the ground should develop more positively to send the right signals. He called for a time of healing, appeasement and reconciliation, and urged all parties to set right example to avoid escalation on the ground.

4. In a positive atmosphere of cooperation and understanding, the Government of Sudan has reiterated its full commitment and obligations according to the SOFA to protect UNAMID personnel and facilities. Within this context, UNAMID requested the Government of Sudan to actively reflect the positive and close cooperative relationship between UNAMID and the Government of Sudan in the public discourse and in local media, to offset any negative effects of the dissemination of inaccurate information. Commissioner Lamamra praised the Government of Sudan for its continued commitment and support for UNAMID.

He further underscored the importance of GoS continued protection of UNAMID staff and premises under all circumstances.

5. The Government of Sudan also briefed on the situation in Muhajeria of February 2009. In this context, UNAMID expressed its gratitude for the close communication that existed during the crisis, calling on all parties to avoid situations leading to this level of escalation.

6. Noting that the majority of issues were discussed and agreements reached on 15 February 2009 during the Bilateral Technical Meeting between UNAMID and GoS, the current meeting focused on the following issues:

   a. Air operations:
      i. UNAMID has requested the Government of Sudan to exert additional efforts in distinctly marking Government planes operating in the Darfur area. The GoS reiterated its commitment to ensure that instructions are resent to Civil Aviation Authorities to adhere to the ban on utilizing white aircrafts in the Darfur area. Technical issues in this regard should be raised with UNAMID.
      ii. Upgrading and classification of El-Geneina Airport: UNAMID called upon continued collaboration with the Government of Sudan to expedite the actions necessary for the SCAA classification of the airport.
      iii. Ethiopian Helicopters: USG Malcorra requested the continued cooperation of the Government to expedite the allocation of the land for parking these helicopters as soon as the additional requirements are provided by UNAMID. The GoS reiterated that this issue is linked with the upgrading and classification of the airport as the land is already allocated.

   b. Visas: The United Nations reiterated the need for the Government of Sudan to continue the expedited issuance of visas regardless of nationalities. The Government of Sudan recalled the need to maintain the predominantly African character of the Mission and recognized certain concerns to be discussed among AU Commissioner Lamamra, USG Malcorra, JSR Adada and Dr. Mutriff Siddiq.
   c. Claims: UNAMID has agreed to revisit claims on monthly basis to ensure that these have been properly as requested by the Government of Sudan.
   d. Railways: The Government of Sudan requested the United Nations to consider providing additional financial support for the railways (Al-Ruhud – Nyala Line). USG Malcorra concurred that the current level of commitment with the regards to the rehabilitation of the railways falls below expectations. Noting that the requirement is beyond the capacity of the UNAMID budget, UN officials agreed to request further budgetary and bilateral support, underscoring the central nature of the development

of the railways for the deployment of the Mission and the benefit of the people of Darfur.

e. Police: While the Government of Sudan has expressed its satisfaction with the Police training programmes, the issue of the provision by UNAMID of cars and maintenance remain of concern. In response UNAMID expressed its appreciation for the support provided by the GoS for the security of UNAMID super camps and premises in Nyala and for the ongoing arrangements to do the same for El-Fasher. Furthermore, UNAMID agreed to provide maintenance service for the police vehicles made available for the police during convoy protection. Further assistance in offering additional vehicles will be considered.

7. In conclusion, the GoS, AU and UN expressed their satisfaction with the progress achieved through the tri-partite mechanism and resolved to hold its meeting in El-Fasher on 31 March 2009.

(*Signed*) Dr. Mutrif **Siddiq**
For the Government of Sudan

(*Signed*) Ramtane **Lamamra**
For the African Union
Commissioner

(*Signed*) Ms. Susana **Malcorra**
For the United Nations

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Letter dated 19 February 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1856 (2008) of 22 December 2008. By that resolution, the Security Council requested me to ensure that the concept of operations and the rules of engagement for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) are updated to bring them fully in line with the provisions of that resolution and to report to the Security Council and the troop-contributing countries.

The concept of operations and the rules of engagement were carefully reviewed by the Department of Peacekeeping Operations and MONUC and have been revised to meet the requirements of the robust mandate of MONUC, as outlined in resolution 1856 (2008). The revised concept of operations provides the military component of MONUC with clear strategic objectives and end states. While highlighting the priority of protecting civilians, the concept of operations makes clear that the main area of focus is in the eastern Democratic Republic of the Congo.

The revised concept of operations also takes into account tasks arising from the provisions of the Goma and Nairobi frameworks. It also provides the necessary flexibility to enable MONUC to react in a robust manner to the evolving realities on the ground. Additionally, and on the basis of the political objectives, the revised concept of operations provides the strategic military intent, conceptual employment of military forces and military tasks, as derived from the mandate.

The rules of engagement have also been extensively reviewed by MONUC and the Department of Peacekeeping Operations, and critical aspects have been amended, including with regard to fire support, air-to-ground engagements, collateral damage and levels of authorization for the use of specific weapons systems. The aim of the revision was to clarify and to remove restrictive clauses on the terms for the use of force during the conduct of military operations, as outlined in the revised concept of operations.

In close consultation with MONUC, the Department of Peacekeeping Operations will continue to review on a regular basis the concept of operations and the rules of engagement to ensure that they adequately reflect the realities of the evolving situation in the eastern Democratic Republic of the Congo, and to enable MONUC to carry out its robust mandate in the most effective manner.

(*Signed*) **Ban** Ki-moon

09-24595 (E) 230209

United Nations S/2009/106

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Fourth report of the Secretary-General submitted pursuant to Security Council resolution 1757 (2007)

I. Introduction

1. Security Council resolution 1757 (2007) mandated the Secretary-General, in coordination with the Government of Lebanon, to take the steps and measures necessary to establish the Special Tribunal for Lebanon in a timely manner. The resolution also requires the Secretary-General to report to the Security Council within 90 days and thereafter periodically on the implementation of the resolution.

2. On 17 December 2008, following consultation by the Legal Counsel of the United Nations on behalf of the Secretary-General with the Prime Minister of Lebanon, Fouad Siniora, and with the Commissioner of the International Independent Investigation Commission, Daniel Bellemare, the Secretary-General decided that the Special Tribunal would commence functioning on 1 March 2009. In making that decision, the Secretary-General took into account the fact that sufficient contributions had been received for the commencement and the first year of operation of the Special Tribunal, and also the progress of the work of the Investigation Commission.

3. The present report sets out the steps and measures undertaken since the third report of the Secretary-General of 26 November 2008 (S/2008/734) to ensure that the Special Tribunal commences functioning on 1 March 2009.

II. Location of the seat

A. Headquarters Agreement

4. On 21 December 2007, representatives of the United Nations and the Netherlands signed the Agreement between the United Nations and the Kingdom of the Netherlands concerning the Headquarters of the Special Tribunal for Lebanon. In accordance with article 51, paragraph 1, of the Headquarters Agreement, it applies provisionally from the date of its signature. On 10 February 2009, the Government of the Netherlands informed the Office of Legal Affairs that the legal requirements for entry into force of the Agreement have been complied with.

09-24668 (E) 250209

B. Premises

5. As indicated in paragraph 5 of the previous report, on 29 April 2008, the Management Committee of the Special Tribunal agreed to the plans for the refurbishment and adaptation of the premises proposed by the Registrar of the Special Tribunal in consultation with the authorities of the Netherlands. The premises are located in the urban area of The Hague.

6. By early March 2009, the external security measures and the interior refurbishment of the premises will have been completed. An architect has been selected to design the courtroom, which is expected to be ready for use by early 2010.

III. Appointment of the judges, the Prosecutor, the Registrar and the Head of the Defence Office

7. As stated in paragraph 11 of his second report (S/2008/173), the Secretary-General has finalized the selection process of the judges of the Special Tribunal. However, he will not announce their names until all necessary security measures are in place.

8. On 1 March 2009, the current Commissioner of the Investigation Commission will take up his duties as Prosecutor of the Special Tribunal in The Hague. He was appointed as both Commissioner of the Investigation Commission and Prosecutor of the Special Tribunal on 14 November 2007, in order to ensure a coordinated transition from the activities of the Investigation Commission to those of the Office of the Prosecutor of the Special Tribunal.

9. As mentioned in paragraph 10 of the third report, on 17 April 2008 a vacancy announcement for the position of Head of the Defence Office was issued and, in the interest of reaching appropriate audiences, circulated to relevant Bar Associations and to the Registrars of International Tribunals. Early in January 2009, the Secretary-General established a selection panel, which interviewed candidates for the position on 12 and 13 January 2009. On 28 January, the Legal Counsel provided the Secretary-General with the report of the selection panel and its unanimous recommendation. On 12 February 2009, the Secretary-General informed the Legal Counsel that he endorsed the panel's recommendation. In accordance with article 13, paragraph 1, of the Statute of the Special Tribunal, which is attached to the annex to Security Council resolution 1757 (2007), the Secretary-General will appoint the Head of the Defence Office in consultation with the President of the Special Tribunal as soon as the latter is elected.

10. The Registrar, after having taken office in New York on 28 April 2008, relocated to The Hague on 7 July 2008. Since then, the Registrar and his team have been working tirelessly to ensure a coordinated transition between the Investigation Commission and the Office of the Prosecutor and to prepare the premises of the Special Tribunal for occupation on 1 March 2009.

IV. Drafting of the Rules of Procedure and Evidence and other necessary legal documents

11. The group of experts convened by the Legal Counsel in March 2008 prepared initial drafts of the Rules of Procedure and Evidence, the Detention Rules and the Directive on the Assignment of Defence Counsel. It is expected that, by the end of February 2009, those drafts will have been finalized in the three official languages of the Special Tribunal, that is, Arabic, English and French. The availability of those documents in all three languages will facilitate the completion and adoption of the Rules of Procedure and Evidence and other key documents by the judges during their first plenary meeting.

V. Activities of the Management Committee

12. The Management Committee, which was established on 13 February 2008 to advise and provide policy direction on all non-judicial aspects of the operation of the Special Tribunal, has continued to meet on a regular basis. Since the Secretary-General's third report, it has considered numerous issues, such as the agreement between the Special Tribunal and the United Nations Joint Staff Pension Fund, and the transfer of funds from the United Nations Trust Fund to the bank account of the Special Tribunal. Moreover, since its establishment, the Management Committee has adopted various documents, including the terms and conditions of service of judges, the Staff Regulations and Rules, and the Financial Regulations and Rules of the Special Tribunal.

13. On 22 January 2009, the Management Committee, chaired by the representative of the United Kingdom of Great Britain and Northern Ireland, appointed the representative of Canada as its Vice-Chair.

VI. Approval of the budget and recruitment of personnel

14. On 12 December 2008, the Management Committee approved the budget of the Special Tribunal of $51.4 million for its first year of operation starting on 1 January 2009. The budget was adopted on the understanding that the Registrar could propose a supplementary budget during the course of the year for the Management Committee's approval, if activities not anticipated in the budget arise.

15. With regard to staffing, intensive recruitment activities continue in order to provide the Special Tribunal with the human resources necessary to cover its operational needs. Special efforts are being made to ensure that the transfer of personnel from the Investigation Commission to the Office of the Prosecutor of the Special Tribunal is completed by 1 March 2009.

16. In that context, the Secretary-General also wishes to report that in December 2008, at its sixty-third session, the General Assembly admitted the Special Tribunal as a member of the United Nations Joint Staff Pension Fund, effective 1 January 2009.

VII. Arrangements for the transition from the Investigation Commission to the Special Tribunal

17. Pursuant to article 17 of the annex to resolution 1757 (2007), efforts are being made to ensure a smooth transition from the activities of the Investigation Commission to those of the Office of the Prosecutor of the Special Tribunal. In this connection, on 2 December 2008 the Commissioner requested a two-month extension of the mandate of the Investigation Commission. The purpose of the extension was to allow for the continuation of the Commission's investigation without interruption and to facilitate the gradual transfer of operations, staff and assets to The Hague, in advance of the official commencement of functioning of the Special Tribunal on 1 March 2009. On 17 December 2008, following a briefing by the Commissioner, the Security Council extended the mandate of the Investigation Commission until 28 February 2009.

18. In view of the Security Council's decision, the Registrar and the Commissioner have developed a plan for the transition from the Investigation Commission to the Office of the Prosecutor, from 1 January to 28 February 2009. The plan is intended to phase in staff gradually in order both to minimize disruption to the investigation work and to provide the Registry with adequate time to absorb a large number of staff as efficiently as possible.

19. To that end, the Registrar and the Commissioner established a task force composed of senior staff members of both organizations to coordinate and facilitate transition activities. The task force has held weekly teleconferences, as well as two face-to-face meetings, one in The Hague and one in Beirut. This mechanism has worked to resolve problems and to anticipate future challenges. In February 2009, materials and electronic systems were transferred from Beirut to The Hague, and all the practical arrangements have been put in place in preparation for the arrival of the Prosecutor on 1 March 2009.

VIII. Funding

20. Arrangements between the United Nations and the Special Tribunal are being made to close the United Nations Trust Fund and to transfer the amount remaining in the Fund to the Special Tribunal before its commencement date. On 30 December 2008, the Special Tribunal received $10 million in its bank account, marking the first transfer of funds from the Trust Fund to the Special Tribunal.

21. As stated in paragraph 2 above, sufficient contributions had been received by 17 December 2008 for the commencement of functioning and the first year of operation of the Special Tribunal. The Legal Counsel has been engaged in ongoing efforts to increase financing pledges for the subsequent two years of operation.

IX. Security measures

22. The implementation of appropriate security measures remains a key issue for the successful establishment of the Special Tribunal.

23. In this regard, the Registrar, in close consultation with the Department of Safety and Security of the Secretariat and the authorities of the Netherlands and

Lebanon, has taken all appropriate measures to ensure the security of the judges, senior officials and staff of the Special Tribunal. The security measures for the premises will be finalized by 1 March 2009.

X. Development of a communication and outreach strategy

24. The Chief of Public Affairs and Outreach of the Special Tribunal took up his duties on 26 January 2009. He has begun work in a number of core programme areas with the goal of ensuring that the Special Tribunal is regarded as an independent and impartial judicial body and of developing the trust of the population of Lebanon and the wider region.

25. To that end, the following steps have been taken during the reporting period:

(a) A draft media and public access policy is being prepared;

(b) A series of fact sheets covering the main organs of the Special Tribunal are being drafted;

(c) An outreach office is being established;

(d) The website of the Special Tribunal is being redesigned to be informative, consistent, easily accessible and available in the three official languages of the Special Tribunal.

XI. The way forward

26. In the light of the foregoing, the Secretary-General is pleased to report that all necessary steps and measures have been taken for the Special Tribunal to commence functioning as from 1 March 2009. Thereafter, it will start its activities in successive phases.

27. On 1 March 2009, the Commissioner will assume office as the Prosecutor of the Special Tribunal and continue his investigations from The Hague.

28. Soon after 1 March 2009:

(a) When elected, the President of the Special Tribunal will assume office on a full-time basis to ensure the efficient management and functioning of the Tribunal;

(b) The Head of the Defence Office will be appointed and will assume his or her functions on an "as needed" basis;

(c) The pretrial judge will assume office on a full-time basis to issue any warrants or orders required for the conduct of investigations and for the preparation of trials.

29. The judges of the Trial and Appeals Chambers will assume their responsibilities on a date to be determined by the Secretary-General, in consultation with the President of the Special Tribunal. Until they are called to work on a full-time basis, they will serve on an ad hoc basis to perform some duties, and in particular to discuss and adopt the Rules of Procedure and Evidence, as well as other key legal documents.

XII. Final observations

30. This is the final report of the Secretary-General before the Special Tribunal commences functioning as an independent judicial body on 1 March 2009. The Secretary-General will continue to ensure that the Special Tribunal is able to achieve its mandate in the most effective manner. However, the cooperation of all Member States will remain crucial for the Special Tribunal to be successful.

United Nations S/2009/107

Security Council

Distr.: General
24 February 2009
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Letter dated 24 February 2009 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a report on the work of the Security Council during the presidency of France in January 2009 (see annex). The document was prepared under my responsibility, after consultation with the other members of the Security Council.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jean-Maurice **Ripert**

09-24798 (E) 260209 270209

Annex to the letter dated 24 February 2009 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

[Original: English]

Assessment of the work of the Security Council during the presidency of France (January 2009)

Under the presidency of Ambassador Jean-Maurice Ripert, Permanent Representative of France to the United Nations, the Security Council engaged in an extensive programme of work.

During January 2009, the Security Council held 12 closed consultations of the whole, and 18 formal meetings, including 2 private meetings and 16 public meetings. The Council adopted six resolutions and produced one presidential statement.

Africa

Chad, the Central African Republic and the subregion

On 14 January, the Security Council unanimously adopted resolution 1861 (2009), by which it authorized the deployment of a military component of the United Nations Mission in the Central African Republic and Chad (MINURCAT) to follow up the European operation in those countries at the end of its mandate on 15 March 2009. The Council also decided to extend the multidimensional presence in eastern Chad and the military presence in the north-eastern Central African Republic, which includes MINURCAT, for 12 months, until 15 March 2010. In addition, the Council called for an expeditious completion of the selection, deployment and training of the Chadian police and gendarmerie officers of the Détachement intégré de sécurité, set out benchmarks for the exit strategy of MINURCAT, and requested the Secretary-General to develop indicative timelines with a view to meeting them by 15 March 2011.

Côte d'Ivoire

On 21 January, the Council held a private meeting with troop-contributing countries to the United Nations Operation in Côte d'Ivoire (UNOCI), during which it heard a briefing by the Special Representative of the Secretary-General, Choi Young-Jin. The briefing was followed by an exchange of views.

On the same day, at a public meeting, the Council heard a briefing from the Special Representative on the situation in Côte d'Ivoire. He presented the report of the Secretary-General dated 8 January 2009 (S/2009/21) and the recommendations therein. The briefing was followed by consultations of the whole on the issue.

On 27 January, the Council unanimously adopted resolution 1865 (2009), by which it renewed the mandates of UNOCI and of the French forces which support it for six months, reduced the authorized level of troops of UNOCI as recommended by the Secretary-General, welcomed the progress of the operations of identification and registration of voters, and urged the Ivorian political actors to find an agreement without delay on a credible, new and realistic electoral time frame. The Council also

expressed its intention to examine as soon as possible this time frame, which will bind the Ivorian political actors and reflect their level of political commitment towards free, open, fair and transparent elections.

Sudan

On 28 January, in consultations of the whole, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, on the recent upsurge of violence in Darfur. Council members called on all parties to cease hostilities, respect their obligations under international humanitarian law and cooperate with efforts led by the Joint African Union/United Nations Chief Mediator, Djibril Bassolé, to bring about a political solution to the conflict. They expressed their full support for the Mediator and for the action of the African Union-United Nations Hybrid Operation in Darfur to protect civilians at risk. They noted that the situation in Darfur was particularly volatile and that the Council should continue to monitor it closely.

Democratic Republic of the Congo

On 15 January, the Special Envoy of the Secretary-General for the Great Lakes region, former President Obasanjo, briefed the Council on the progress of the negotiations between the Government of the Democratic Republic of the Congo and the Congrès national pour la défense du peuple (CNDP) through the Nairobi dialogue. The Council members reiterated their full support to the mediation led by former Presidents Obasanjo and Mkapa and exchanged views about the challenges facing the Democratic Republic of the Congo and the security and humanitarian consequences of the operation against the Lord's Resistance Army (LRA) in Orientale Province, the split within CNDP and the joint Rwandan-Congolese operation against the Forces démocratiques de libération du Rwanda (FDLR).

On 27 January, the Council held an informal meeting with the Special Adviser to the Secretary-General on the Prevention of Genocide, Francis Deng, who briefed the Council about the visit he had made in November 2008 to the Democratic Republic of the Congo. Council members underlined the need to find ways to improve the protection of civilians in the eastern part of the Democratic Republic of the Congo.

On 28 January, during consultations of the whole, the Council heard a briefing from the Assistant Secretary-General for Peacekeeping Operations on the recent developments in the eastern part of the Democratic Republic of the Congo. Council members expressed satisfaction at the increased level of cooperation between the Congolese and the Rwandan authorities and underlined the importance of the activities of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) continuing to be closely coordinated with those of the countries in the context of the operation against FDLR. They reiterated that the protection of civilians should be considered the highest priority.

Somalia

On 16 January, the Council unanimously adopted resolution 1863 (2009), in which it expressed its intent to establish a United Nations Peacekeeping Operation in Somalia as a follow-on force to the African Union Mission in Somalia (AMISOM), subject to a further decision by 1 June 2009. The Council requested the

Secretary-General, in order to inform the Security Council of his assessment in advance of the decision, to submit a report by 15 April 2009, including developments in the situation in Somalia, progress towards the full deployment of AMISOM with a view to transition to United Nations peacekeeping operation, and progress in the political process and security conditions on the ground. The Council also requested the Secretary-General to provide a United Nations logistical support package to AMISOM, and to establish a trust fund to provide financial support to AMISOM and to assist in the re-establishment, training and retention of all-inclusive Somali security forces.

Peace and security in Africa

On 14 January, the Council unanimously adopted resolution 1862 (2009), by which it expressed its deep concern about the continuing tense border dispute between Djibouti and Eritrea, urged them to resolve it peacefully, and made some specific demands on Eritrea, including that Eritrea withdraw its forces and all their equipment to the position of the status quo ante no later than five weeks after the adoption of the resolution. The Council requested the Secretary-General to provide it with a report on the evolution of the situation. It also decided to review the situation six weeks after the adoption of the resolution on the basis of the report of the Secretary-General.

The situation in the Great Lakes region (LRA-affected areas)

On 15 January, the Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, John Holmes, on the humanitarian consequences of the joint operation led by Uganda, the Democratic Republic of the Congo and the Sudan against the Lord's Resistance Army. Council members commended the States in the region for their increased cooperation to address the threat posed by LRA. They insisted on the necessity of taking all necessary measures to protect civilians. Following the consultations, the Council issued a statement to the press, strongly condemning the recent LRA attacks.

United Nations Office for West Africa

On 21 January, the Council heard a briefing from the Special Representative of the Secretary-General for West Africa, Said Djinnit, who presented the report of the Secretary-General dated 15 January 2009 (S/2009/39). The briefing was followed by an exchange of views on the challenges facing the subregion, including the impact of drug trafficking and the challenges posed to governance, and on the role of the United Nations Office for West Africa in contributing to address these issues with the Economic Community of West African States and the other concerned United Nations operations, offices and agencies, such as the United Nations Office on Drugs and Crime.

Asia

Nepal

On 16 January, the Council received a briefing by the Special Representative of the Secretary-General in Nepal and Head of the United Nations Mission in Nepal

(UNMIN), Ian Martin. The briefing was followed by consultations of the whole on the issue.

On 23 February, the Council unanimously adopted resolution 1864 (2009), by which it renewed the mandate of UNMIN for six months.

Middle East

Gaza

On 3 January, the Council held consultations of the whole on the situation in Gaza.

On 6 and 7 January, the Council held a public debate at the ministerial level on the item entitled "The situation in the Middle East, including the Palestinian question". During the debate, the Secretary-General, the President of the Palestinian National Authority, the representative of Israel, and representatives of other States Members of the United Nations (including Ministers for Foreign Affairs, in particular of the Arab League States) made statements.

On 8 January, after thorough consultations, including at the ministerial level, the Council held a meeting presided over by the Minister for Foreign Affairs of France, Bernard Kouchner, at which it adopted resolution 1860 (2009) by 14 votes in favour, with 1 abstention. In the resolution the Council called for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza.

On 13 January, during consultations of the whole, the Council was briefed by the Secretary-General before his visit to the Middle East. In their statements, Council members welcomed the efforts of the Secretary-General.

On 15 January, in consultations of the whole, the Council was briefed by the Assistant Secretary-General for Political Affairs, Haile Menkerios, on the situation in Gaza, following the attacks on the headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). During the consultations, there was an agreement on elements for remarks to be made by the President to the press. The President of the Council expressed grave concern, in particular following the military operations against hospitals, a building hosting journalists and the headquarters of UNRWA.

On 21 January, the Council held a public meeting to receive a briefing by the Secretary-General following his visit to the Middle East. During the consultations of the whole that followed, members of the Council agreed to issue a statement to the press, in which they welcomed the ceasefire in Gaza, expressed their strong appreciation for the efforts of the Secretary-General and reiterated their grave concern at the humanitarian situation in Gaza.

On 27 January, the Council held a meeting at which it heard briefings by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and by the Commissioner-General of UNRWA, Karen AbuZayd, on the situation in Gaza. It was the first time that a Commissioner-General of UNRWA was invited to address the Council. Both the Under-Secretary-General and the Commissioner-General expressed great concern about the humanitarian situation in

Gaza and stressed the importance of free access for humanitarian aid. The meeting was followed by consultations of the whole.

Other matters

Bureaux of subsidiary bodies and members of the Organizational Committee of the Peacebuilding Commission

On 6 January, in consultations of the whole, the Council elected new bureaux for its subsidiary bodies for 2009. A note by the President of the Council describing the composition was circulated later (S/2009/2). On the same day, the Council elected Burkina Faso and Mexico as members of the Organizational Committee of the Peacebuilding Commission for a one-year term starting on 1 January 2009, in addition to the five permanent members of the Council.

Briefing by the United Nations High Commissioner for Refugees

On 8 January, the Council was briefed by the United Nations High Commissioner for Refugees, António Guterres, on the situation of refugees and internally displaced people.

The High Commissioner commented on recent trends in forced displacement. He said that forced displacement was often the result of threats to international peace and security. He presented three challenges for the international community, namely, the role of peacekeeping in the protection of civilians, the concurrent needs to ensure staff security and to deliver humanitarian protection and assistance, and the difficulty of preserving humanitarian space in the context of an integrated United Nations presence.

Council members welcomed the briefing by the High Commissioner and expressed the wish to increase the frequency of such briefings.

Protection of civilians

On 14 January, the Council held an open debate on the protection of civilians in armed conflict. The debate started with a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

After the debate, the President read out a presidential statement (S/PRST/2009/1), by which the Council adopted a revised version of the aide memoire on protection of civilians prepared by the Office for the Coordination of Humanitarian Affairs.

Informal seminar and thematic debate on peacekeeping operations

On 22 January, at the French Mission, Council members held an informal seminar on peacekeeping operations, chaired jointly by France and the United Kingdom. The former Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno; the Under-Secretary-General for Peacekeeping Operations, Alain Le Roy; the Under-Secretary-General for Field Support, Susanna Malcorra; the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet; the Special Representative of the Secretary-General for Liberia and Head of the United Nations Mission in Liberia, Ellen Margrethe Løj; and the Special Representative of

the Secretary-General for Haiti and Head of the United Nations Stabilization Mission in Haiti, Hédi Annabi, were present, as were the academics Colin Keating and Bruce Jones.

The discussion, for which a joint Franco-British non-paper had provided background, focused on the current challenges to peacekeeping operations, and on a proposal for a method to address them in the Council. Three broad series of issues were identified: effective strategic oversight, resource constraints, and lessons learned from implementation. France and the United Kingdom proposed to address them as a priority in the coming months, in close contact with the Secretariat and the main stakeholders, and to take stock of progress by August 2009.

On 23 January, a debate of the Council was organized on the same issue. In addition to Council members, speakers included the Under-Secretaries-General for Peacekeeping Operations and Field Support, the Special Representative for Haiti, representatives of major troop contributors across geographic regions (Pakistan, India, Jordan, Uruguay), and representatives of regional organizations (European Union and African Union) and of the Non-Aligned Movement.

The participants welcomed the Franco-British initiative to address the challenges of peacekeeping. In addition to issues already raised on 22 January, they stressed, in particular, the need to reinforce dialogue among the main actors, particularly with troop-contributing countries, at all stages of the preparation, conduct and evaluation of operations.

Informal meeting with the Special Adviser to the Secretary-General on the Prevention of Genocide

On 27 January, an informal meeting with the Special Adviser to the Secretary-General on the Prevention of Genocide, Francis Deng, allowed the latter to present his action on the matter and brief the Council after his visit to the Great Lakes region.

Private debate on the maintenance of international peace and security: respect for international humanitarian law

On 29 January, the Council discussed the issue of respect for international humanitarian law during a private debate.

At the invitation of the Council, the Under-Secretary-General for Legal Affairs, the Legal Counsel, Patricia O'Brien; the Head of the New York Delegation of the International Committee of the Red Cross, Dominique Buff; the Director of the New York Office of the United Nations High Commissioner for Refugees, Pierre Bertrand; the Director of the New York Office of the United Nations High Commissioner for Human Rights, Jessica Neuwirth; and the Chief of the Policy Development and Studies Branch of the Office for the Coordination of Humanitarian Affairs, Hansjoerg Strohmeyer, briefed the Council on the subject.

A discussion followed among Member States during which they noted the alarming trend of increase in the number of violations of human rights and international humanitarian law, expressed the necessity for all parties to conflict to respect international humanitarian law and decided to remain seized of the matter.

United Nations S/2009/108

Security Council

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Letter dated 23 February 2009 from the Chargé d'affaires a.i. of Burkina Faso to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a report on the work of the Security Council during the presidency of Burkina Faso in September 2008 (see annex). The document was prepared under my responsibility, after consultation with the other members of the Council.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Paul Robert **Tiendrébéogo**
Ambassador
Deputy Permanent Representative
Chargé d'affaires a.i.

09-24813 (E) 020309 050309

Annex to the letter dated 23 February 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the Security Council

[Original: English]

Assessment of the work of the Security Council during the presidency of Burkina Faso (September 2008)

Introduction

During the month of September 2008, under the presidency of Burkina Faso, the Security Council held 29 meetings to discuss African, Asian, European and American issues. Seventeen of those meetings, including two high-level ones, were public. The Council adopted five resolutions, four presidential statements and six statements to the press.

Africa

United Nations Mission in Liberia

On 9 September, the Council had a private meeting with the troop-contributing countries to the United Nations Mission in Liberia (UNMIL), followed by consultations. The Special Representative of the Secretary-General in Liberia, Ellen Margrethe Løj, briefed the Council on the situation on the ground and the proposal made by the Secretary-General in his latest report to reduce the UNMIL military component and to increase the police component.

On 29 September, the Council adopted resolution 1836 (2008), by which it extended the mandate of UNMIL for one more year.

Sudan sanctions Committee

The Chairman of the Committee established pursuant to resolution 1591 (2005) concerning the Sudan orally briefed the Council during consultations on 11 September. He stated that a written report to be submitted to the Council was being finalized and would probably include the results of the inquiry into the attack on the convoy of the African Union-United Nations Hybrid Operation in Darfur that took place in the country.

Democratic Republic of the Congo

Following the resumption of fighting in North and South Kivu, the Council met on 12 September to hear an update from the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, on the situation on the ground. The Council issued a statement to the press on the issue after the consultations.

Peace and security in Africa

The Council held two consultations on peace and security in Africa.

On 17 September, the Council heard a briefing on the United Nations fact-finding mission to Djibouti and Eritrea that was requested by the Council. The Council noted that the mission went to Djibouti, but was not granted visas to visit Eritrea.

On 19 September, the Assistant Secretary-General for Political Affairs, Haile Menkerios, briefed the Council on the situation in Zimbabwe, after the signature of the framework agreement on power-sharing between the main political parties. The Council welcomed the agreement and commended the President of South Africa, Thabo Mbeki, for his efforts in this regard.

United Nations Mission in the Central African Republic and Chad

On 19 September, the Council held a private meeting with the troop-contributing countries to the United Nations Mission in the Central African Republic and Chad (MINURCAT), followed by consultations.

The Special Representative of the Secretary-General, Victor Da Silva Angelo, updated the Council on the progress recorded in both countries, in particular on the activities of MINURCAT, the deployment of the Détachement intégré de sécurité and cooperation with the European operation (EUFOR). He also updated the Council on the implementation of the agreement reached on 13 August 2007 on electoral reform in Chad, and the comprehensive peace agreement signed on 21 June 2008 in Libreville by the Central African parties.

On 24 September, the Council adopted resolution 1834 (2008), by which it extended the mandate of MINURCAT for six months.

On the same day, the Council was briefed by Mr. Javier Solana on the activities of the European force in Chad and the Central African Republic. He urged the United Nations to find quickly a solution for the replacement of EUFOR, whose mandate would definitively end on 15 March 2009.

Asia and the Middle East

The situation in the Middle East including the Palestinian question

The Council examined this issue twice during the month of September 2008.

On 18 September, in consultations, the Special Coordinator for the Middle East peace process, Robert Serry, briefed the Council on the negotiations taking place between Israel and the Palestinian Authority, in particular the talks of 26 and 31 August and 16 September 2008. He also stated that relations between the Syrian Arab Republic and Lebanon were improving, while the blockade imposed by Israel in the Gaza Strip was still a concern.

At the request of the Permanent Mission of Saudi Arabia on behalf of the Arab League, the Security Council held a debate on 26 September, at the ministerial level. Although many delegations focused their statements on the settlements that are still going on in the Palestinian territories, others spoke about the global situation in the Middle East.

Non-proliferation

During consultations on 11 September, the Council examined the report of the Committee established pursuant to resolution 1737 (2006), on nuclear activities in the Islamic Republic of Iran.

On 27 September, the Council adopted resolution 1835 (2008) on this matter.

Myanmar

On 11 September, the Special Adviser to the Secretary-General, Ibrahim Gambari, briefed the Council on his most recent visit to Myanmar, including areas affected by cyclone Nargis, where he met with governmental officials but was unable to have talks with Daw Aung San Suu Kyi, the leader of the opposition party.

Afghanistan

On 22 September, the Council unanimously adopted resolution 1833 (2008), by which it extended the mandate of the International Security Assistance Force for a period of 12 months beyond 13 October 2008.

Europe

Georgia

The situation in Georgia was not discussed by the Council during the month of September 2008. Nevertheless, on 9 September, one delegation introduced a draft resolution to impose an arms embargo against Georgia. No action was taken on that draft.

Cyprus

On 4 September, the Council adopted a presidential statement (S/PRST/2008/34), by which it welcomed the launch of fully-fledged negotiations between the leaders of the Greek Cypriots and Turkish Cypriots aimed at the reunification of Cyprus, as well as the appointment of Alexander Downer as Special Adviser to the Secretary-General for Cyprus.

Meeting with the Organization for Security and Cooperation in Europe

On 26 September, the Council heard a briefing from the Minister for Foreign Affairs of Finland and current Chairman of the Organization for Security and Cooperation in Europe, Alexander Stubb, on the activities of that Organization and its cooperation with the Security Council, in particular in the context of conflict prevention and settlement. He also briefed the Council on Afghanistan, Georgia and Kosovo.

International Tribunal for the Former Yugoslavia

On 29 September, the Council adopted resolution 1837 (2008), by which it extended the terms of office of the permanent judges and the ad litem judges of the International Tribunal for the Former Yugoslavia, respectively until 31 December 2010 (for judges of the Appeals Chamber) and 31 December 2009 (for Trial Chamber and ad litem judges), or until the completion of their cases if sooner.

Americas

Haiti

On 12 September, the Council heard a briefing from the Assistant Secretary-General for Peacekeeping Operations on the situation in Haiti, after the cyclones and hurricanes that seriously affected the country.

The members of the Council expressed their deep condolences and sympathy to the people and Government of Haiti and invited the international community to provide aid to the country. They also welcomed the appointment of Michelle Duvivier Pierre-Louis as Prime Minister of Haiti.

High-level meeting

On 23 September, under the chairmanship of the President of Burkina Faso, Blaise Compaoré, the Council held a high-level meeting on the item entitled "Maintenance of international peace and security: mediation and settlement of disputes".

The meeting was attended by the Secretary-General, the Head of State of Panama, the Prime Minister of Croatia, the Foreign Ministers of Belgium, South Africa, Indonesia, Italy and France, the Deputy Foreign Minister of the Russian Federation, the Minister of State for Africa, Asia and United Nations Affairs of the United Kingdom of Great Britain and Northern Ireland, as well as the Permanent Representatives of Viet Nam, the United States of America, Libyan Arab Jamahiriya and Costa Rica and the Deputy Permanent Representative of China.

In his opening remarks, President Compaoré stated that, by organizing this meeting, Burkina Faso wanted to highlight the importance of mediation as a means of pacific settlement of disputes. For him, to be successful, mediation required:

- The involvement of the parties in conflict
- The high quality of the mediator (independence, objectivity, knowledge of both the causes of the dispute and the ground)
- Proximity (priority of subregional and regional organizations)
- The support of the international community, the United Nations for instance, the Security Council in particular).

The former Special Adviser to the Secretary-General, Lakhdar Brahimi, as an invited expert, noted that although they were only undertaken and financed by their initiators, mediations contributed to settle many conflicts around the world. He therefore invited the international community to own and to promote such a practice.

A presidential statement was adopted by the Council at the close of the debate (S/PRST/2008/36), focusing on the importance of mediation and its need of support. In it, the Council requested the Secretary-General to ensure that all mediation activities undertaken within the United Nations system are in conformity with the Charter. It also noted the importance of women in the settlement of disputes, and requested the Secretary-General, when appointing mediators, to take the gender aspect into account. The Council finally requested the Secretary-General to report to

it, within six months from the adoption of the resolution, on mediation and all relevant support activities, and to make recommendations to strengthen its effectiveness.

Other activities

Following the terrorist attacks perpetrated respectively in Lebanon (10 and 29 September), Pakistan (20 September), Spain (20 and 21 September) and the Syrian Arab Republic (27 September), the Council adopted either presidential or press statements to condemn those attacks and to express its solidarity with the families of the victims, and the people and Governments of those countries.

On 18 September, the President of the Security Council offered a luncheon, chaired by the Minister of Foreign Affairs of Burkina Faso, Alain Yoda, in honour of the Secretary-General. Apart from the Security Council members, the Secretary-General's staff also attended the luncheon. The Secretary-General took the opportunity to share views with the Security Council members on the mandate of the United Nations Observer Mission in Georgia, the situation in Bolivia, the United Nations-African Union panel and the important side events that were to occur during the General Assembly's general debate.

Conclusion

The Security Council had a very busy month of September with the meetings listed above. Nevertheless, Burkina Faso assumed its term of President of the Council successfully.

United Nations S/2009/109

Security Council

Distr.: General
24 February 2009

Original: English

Letter dated 24 February 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1854 (2008) concerning Liberia, adopted on 19 December 2008, by which the Council decided to extend the mandate of the Panel of Experts appointed pursuant to paragraph 1 of resolution 1819 (2008) for a further period until 20 December 2009, to undertake the tasks set out in paragraph 4 of resolution 1854 (2008). By that resolution, the Council also requested me to reappoint the Panel of Experts, and to make the necessary financial and security arrangements to support the work of the Panel. In my letter dated 20 January 2009 (S/2009/47), I informed the Council that I had appointed two experts to serve on the Panel.

I now wish to inform you that, after consulting with the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, I have appointed the third expert to serve on the Panel until 20 December 2009, namely:

Mr. Hervé Gonsolin (France), expert on arms

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

09-24843 (E) 260209

United Nations A/63/738–S/2009/110

General Assembly
Security Council

Distr.: General
24 February 2009
English
Original: Arabic

General Assembly
Sixty-third session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 20 February 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 1 to 16 February 2009 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

09-24850 (E) 250209 270209

Annex to the identical letters dated 20 February 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 1 to 16 February 2009

Air violations

On 3 February 2009, between 0633 and 1300 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and heading north. It circled over Beirut before leaving over Naqurah.

On 4 February 2009:

- Between 0930 and 1120 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over the occupied Shab'a Farms. They circled over all regions of Lebanon before leaving over Alma al-Sha'b;
- Between 1150 and 1210 hours, two Israeli enemy warplanes violated Lebanese airspace, entering from over the sea off Naqurah. They proceeded north as far as Damur before turning back south and leaving over the sea off Naqurah.

On 6 February 2009:

- Between 0707 and 1850 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the Bekaa and the South before leaving over Kafr Killa;
- Between 0945 and 1110 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over the occupied Shab'a Farms. They circled over all regions of Lebanon before leaving over Alma al-Sha'b.

On 9 February 2009, between 1915 and 1920 hours, an Israeli enemy warplane flew at high altitude over the Tibnin area.

On 12 February 2009:

- Between 0640 and 1010 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over areas of the South before leaving over Naqurah;
- Between 1000 and 1125 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Aytarun and heading north. They circled over all regions of Lebanon before leaving over Rumaysh.

On 14 February 2009:

- Between 0655 and 1907 hours, an Israeli enemy reconnaissance aircraft flew over Alma al-Sha'b; it proceeded to circle over areas of the South before leaving over Naqurah;
- Between 1120 and 1238 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Dayr Mimas. They circled over all regions of Lebanon before leaving over Alma al-Sha'b.

On 15 February 2009, between 0650 and 1340 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and heading north. It circled over areas of the South before leaving over Rumaysh.

Sea violations

On 3 February 2009, at 1855 hours, an Israeli enemy gunboat directed a searchlight towards Lebanese territorial waters between the first and eighth buoys for 12 minutes, to a distance of some 100 metres. The enemy repeated the exercise for one minute between 2100 and 2230 hours.

On 5 February 2009:

- At 1822 hours, from its position at Ra's al-Naqurah, the Israeli enemy directed a searchlight for five seconds towards Lebanese territorial waters between the first and fifth buoys, to a distance of approximately 200 metres. At 1835 hours, the enemy directed a searchlight from a naval vessel towards the same area;
- At 1940 hours, the Israeli enemy fired several bursts of gunfire over a Lebanese fishing vessel located near the third buoy, approximately 50 metres inside Lebanese territorial waters.

On 9 February 2009, at 1815 hours, from its position at Ra's al-Naqurah, the Israeli enemy directed a searchlight for four seconds towards Lebanese territorial waters at the second buoy, to a distance of approximately 100 metres.

On 14 February 2009, at 1925 hours, from its position at Ra's al-Naqurah, the Israeli enemy directed a searchlight for five seconds towards Lebanese territorial waters between the fourth and fifth buoys.

On 16 February 2009, at 1848 hours, from its position at Ra's al-Naqurah, the Israeli enemy thrice directed a searchlight for five seconds towards Lebanese territorial waters at the first buoy, to a distance of approximately 100 metres.

Acts of aggression in the field

On 9 February 2009, between 1115 and 1200 hours, the Israeli enemy fired several bursts of light-weapons fire from its Radar position inside the occupied Shab'a Farms towards the perimeter of that position.

On 12 February 2009, at 1645 hours, an enemy Merkava tank atop an earthen berm at the restricted position (Yarun) was observed directing its cannon towards Lebanese territory.

Israeli activities

On 2 February 2009, at 1922 hours, within the naval operations area of the United Nations Interim Force in Lebanon (UNIFIL), an Israeli enemy Sa'ar 4.5 gunboat remained in a position 25 nautical miles outside Lebanese territorial waters opposite Beirut for a period of one hour. The enemy gunboat left the naval operations area at 2138 hours. At that same time, an unmanned aircraft circled over the area before leaving at 2039 hours. It is believed that the aircraft was operating in coordination with the aforementioned enemy gunboat.

United Nations S/2009/111

Security Council

Distr.: General
26 February 2009

Original: English

Australia, France, Japan, Malaysia, New Zealand, Portugal, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming all its previous resolutions and statements on the situation in Timor-Leste, in particular its resolutions 1599 (2005) of 28 April 2005, 1677 (2006) of 12 May 2006, 1690 (2006) of 20 June 2006, 1703 (2006) of 18 August 2006, 1704 (2006) of 25 August 2006, 1745 (2007) of 22 February 2007 and 1802 (2008) of 25 February 2008,

Welcoming the report of the Secretary-General of 4 February 2009 (S/2009/72),

Reaffirming its full commitment to the sovereignty, independence, territorial integrity and national unity of Timor-Leste and the promotion of long-term stability in the country,

Welcoming the improvements in the political and security situation in Timor-Leste, which has recovered from the 2006 crisis and the events of 11 February 2008, and *noting* that the current political and security situation, although generally calm, remains fragile,

Welcoming the Government sponsored six-week nationwide weapons collection campaign which ended on 31 August 2008 with the support of the United Nations Integrated Mission in Timor-Leste (UNMIT) and the international security forces and the destruction of the collected weapons on the United Nations Day of that year,

Commending the political leadership and state institutions of Timor-Leste for restoring and securing stability, and *welcoming* the return of a significant number of internally displaced persons and the disbandment of the "petitioners" group, while *recognizing* the importance of additional measures to achieve meaningful reconciliation and their reintegration into their respective communities,

Reiterating its call on the leadership and other stakeholders in Timor-Leste to continue to pursue peaceful dialogue and to avoid violent means to resolve differences,

Welcoming the efforts of the political leadership of Timor-Leste to create opportunities for all the political parties to make contributions to issues of national interest,

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Reaffirming the need for respect for the independence of the judiciary and its responsibility, *welcoming* the conviction of the leaders of Timor-Leste on the need for justice and their determination to act against impunity, and in this regard *acknowledging* the serious resource constraints of the judicial system and *encouraging* the leadership of Timor-Leste to continue efforts to establish accountability for serious criminal offences committed during the 2006 crisis as recommended by the Independent Special Commission of Inquiry,

Recalling its previous statements on the need to implement fully the "Arrangement on the Restoration and Maintenance of Public Security in Timor-Leste and Assistance to the Reform, Restructuring and Rebuilding of the Policia Nacional de Timor-Leste (PNTL) and the Ministry of Interior", concluded between the Government of Timor-Leste and UNMIT on 1 December 2006, and in this regard, *stressing* the need for constructive engagement between UNMIT police and the PNTL with a view to developing the capacity and capability of the national police,

Expressing its full support for the role of the international security forces in assisting the Government of Timor-Leste and UNMIT, in the restoration and maintenance of law and stability, in response to the requests of the Government of Timor-Leste,

Expressing concern with the increase in poverty among the Timorese population, as indicated in the report of the Secretary-General, and underlining the importance of continued support for socio-economic development of Timor-Leste,

Recalling that while the manifestations of the current challenges in Timor-Leste are political and institutional in nature, poverty and its associated deprivations also contribute to these challenges, *paying tribute* to Timor-Leste's bilateral and multilateral partners for their invaluable assistance, particularly with regard to institutional capacity-building and social and economic development, and *recognizing* the progress being made in the development of many aspects of governance in Timor-Leste,

Reaffirming its resolutions 1325 (2000) and 1820 (2008) on women, peace and security, and 1502 (2003) on the protection of humanitarian and United Nations personnel, and *welcoming* the cooperation of UNMIT with other United Nations partners to support the Government's effort to develop a national gender equality policy and strategy,

Recognizing the important role that UNMIT continues to play in promoting peace, stability and development in Timor-Leste, and *expressing* its appreciation for the efforts of UNMIT and the United Nations Country Team, under the leadership of the Special Representative of the Secretary-General (SRSG),

1. *Decides* to extend the mandate of UNMIT until 26 February 2010 at the current authorized levels;

2. *Urges* all parties in Timor-Leste, in particular political leaders, to continue to work together and engage in political dialogue and consolidate peace, democracy, rule of law, sustainable social and economic development, advancement of protection of human rights and national reconciliation in the country, and *reaffirms* its full support for the continued efforts of the SRSG aimed at addressing critical political and security-related issues facing the country, including enhancing

a culture of democratic governance, through inclusive and collaborative processes, including the expanded High-Level Coordination Committee and the Trilateral Coordination Forum;

3. *Requests* UNMIT to extend the necessary support, within its current mandate, for local elections currently planned for 2009, responding to the request from the Government of Timor-Leste, and *encourages* the international community to assist in this process;

4. *Reaffirms* the continued importance of the review and reform of the security sector in Timor-Leste, in particular the need to delineate between the roles and responsibilities of the Falintil-Forças de Defesa de Timor-Leste (F-FDTL) and the PNTL, to strengthen legal frameworks, and to enhance civilian oversight and accountability mechanisms of both security institutions, and requests UNMIT to continue to support the Government of Timor-Leste in these efforts;

5. *Supports* the gradual resumption of policing responsibilities by the PNTL beginning in 2009 through a phased approach, while emphasizing that the PNTL must meet the criteria mutually agreed between the Government of Timor-Leste and UNMIT as set out in paragraph 21 of the report of the Secretary-General to guarantee the PNTL's readiness for the resumption of such responsibilities in any given district or unit, and *requests* the Government of Timor-Leste and UNMIT to cooperate with each other to implement the resumption process, and requests UNMIT to continue to ensure, through the presence of UNMIT police component and the provision of support to the PNTL, the maintenance of public security in Timor-Leste, which includes interim law enforcement and public security until the PNTL is fully reconstituted;

6. *Underscores* the need for the concept of operations and rules of engagement to be regularly updated as necessary and to be fully in line with the provisions of this resolution, and *requests* the Secretary-General to report on them to the Security Council and troop- and police-contributing countries within 90 days after the adoption of this resolution;

7. *Requests* UNMIT, working with partners, to intensify its efforts to assist with further training, mentoring, institutional development and strengthening of the PNTL with a view to enhancing its effectiveness, including with respect to addressing the special needs of women;

8. *Reaffirms* the importance of ongoing efforts to achieve accountability and justice, and *underlines* the importance of the implementation by the Government of Timor-Leste of the recommendations of the United Nations Special Commission of Inquiry report of 2006 (S/2006/822), including paragraphs 225 through 228 of the report;

9. *Underlines* the importance of a coordinated approach to the justice sector reform, based on needs assessment, and the ongoing need to increase Timorese ownership and strengthen national capacity in judicial line functions, including the training and specialization of national lawyers and judges;

10. *Emphasizes* the need for sustained support of the international community to Timor-Leste to develop and strengthen its institutions and further build capacities in the justice sector;

11. *Requests* UNMIT to continue its efforts, adjusting them as necessary to enhance the effectiveness of the judiciary, in assisting the Government of Timor-Leste in carrying out the proceedings recommended by the Commission of Inquiry;

12. *Calls upon* UNMIT to continue to support the Government of Timor-Leste in its efforts to coordinate donor cooperation in areas of institutional capacity-building;

13. *Takes note* of the Timor-Leste National Recovery Strategy and the Government's declaration of 2009 as the year of infrastructure, rural development and human resources capacity development, and in this regard, *calls upon* UNMIT to continue to cooperate and coordinate with the United Nations agencies, funds and programmes, as well as all relevant partners, to support the Government of Timor-Leste and relevant institutions in designing poverty reduction, promotion of sustainable livelihood and economic growth policies;

14. *Encourages* the Government of Timor-Leste to strengthen peacebuilding perspectives in such areas as integration of internally displaced persons, employment and empowerment, especially focusing on rural areas and youth, as well as local socio-economic development including agricultural activities;

15. *Requests* UNMIT to fully take into account gender considerations as set out in Security Council resolutions 1325 (2000) and 1820 (2008) as a cross-cutting issue throughout its mandate, and *further requests* the Secretary-General to include in his reporting to the Security Council progress on gender mainstreaming throughout UNMIT and all other aspects relating to the situation of women and girls, especially on the need to protect them from gender-based violence, detailing special measures to protect women and girls from such violence;

16. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance by UNMIT with the United Nations zero tolerance policy on sexual exploitation and abuse and to keep the Council informed, and *urges* those countries contributing troops and police to take appropriate preventive action and to ensure full accountability in cases of such conduct involving their personnel;

17. *Further requests* the Secretary-General to keep the Security Council regularly informed of the developments on the ground, including those related to preparation for the planned local elections, and on the implementation of this resolution, including in particular progress on transfer of the policing responsibility from UNMIT to the PNTL, and to submit to the Security Council, no later than 30 September 2009, a report reviewing, inter alia, the resumption of policing responsibilities by the PNTL, and, no later than 1 February 2010, a report which includes possible adjustments in UNMIT's mandate and strength;

18. *Welcomes* the work undertaken by the Secretary-General and the Government of Timor-Leste to develop a medium-term strategy and establish benchmarks for measuring and tracking progress in Timor-Leste, and assessing the level and form of United Nations support while keeping the benchmarks under active review, and *underlines* the importance of ownership of the strategy by the leaders and people of Timor-Leste in this process;

19. *Decides* to remain seized of the matter.